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## LEGISLATIVE HISTORY

Public Law 86-383  
H. R. 8385

## TABLE OF CONTENTS

|                                           |    |
|-------------------------------------------|----|
| Index and summary of H. R. 8385 . . . . . | .1 |
| Digest of Public Law 86-383 . . . . .     | .2 |



## INDEX AND SUMMARY OF H. R. 8385

June 26, 1959 Proposed appropriations for the mutual security programs. H. Doc. 188. Print of document.

July 27, 1959 House Appropriations Committee reported H. R. 8385. House Report No. 712. Print of bill and report.

July 28, 1959 House began and concluded debate on H. R. 8385.

July 29, 1959 House passed H. R. 8385 with amendments.

H. R. 8385 was referred to the Senate Appropriations Committee. Print of bill as referred.

Sept. 8, 1959 Senate committee reported H. R. 8384 with amendments. S. Report No. 981. Print of bill and report.

Sept. 9, 1959 Digest of H. R. 8385 as reported by Senate committee.

Sept. 10, 1959 Senate passed over H. R. 8385.

Sept. 11, 1959 Senate passed over H. R. 8385.

Sept. 12, 1959 Senate began debate on H. R. 8385.

Sept. 14, 1959 Senate passed H. R. 8385 with amendments.

Both Houses appointed conferees.

Print of H. R. 8385 as passed by Senate.

Sept. 15, 1959 Both Houses received and agreed to the conference report. H. Report No. 1190. Print of report.

Sept. 28, 1959 Approved: Public Law 86-383.

Hearings: House and Senate Appropriations Committees.

# THE HISTORY OF THE

|                    |      |      |
|--------------------|------|------|
| THE HISTORY OF THE | 1791 | 1792 |
| THE HISTORY OF THE | 1793 | 1794 |
| THE HISTORY OF THE | 1795 | 1796 |
| THE HISTORY OF THE | 1797 | 1798 |
| THE HISTORY OF THE | 1799 | 1800 |
| THE HISTORY OF THE | 1801 | 1802 |
| THE HISTORY OF THE | 1803 | 1804 |
| THE HISTORY OF THE | 1805 | 1806 |
| THE HISTORY OF THE | 1807 | 1808 |
| THE HISTORY OF THE | 1809 | 1810 |
| THE HISTORY OF THE | 1811 | 1812 |
| THE HISTORY OF THE | 1813 | 1814 |
| THE HISTORY OF THE | 1815 | 1816 |
| THE HISTORY OF THE | 1817 | 1818 |
| THE HISTORY OF THE | 1819 | 1820 |
| THE HISTORY OF THE | 1821 | 1822 |
| THE HISTORY OF THE | 1823 | 1824 |
| THE HISTORY OF THE | 1825 | 1826 |
| THE HISTORY OF THE | 1827 | 1828 |
| THE HISTORY OF THE | 1829 | 1830 |
| THE HISTORY OF THE | 1831 | 1832 |
| THE HISTORY OF THE | 1833 | 1834 |
| THE HISTORY OF THE | 1835 | 1836 |
| THE HISTORY OF THE | 1837 | 1838 |
| THE HISTORY OF THE | 1839 | 1840 |
| THE HISTORY OF THE | 1841 | 1842 |
| THE HISTORY OF THE | 1843 | 1844 |
| THE HISTORY OF THE | 1845 | 1846 |
| THE HISTORY OF THE | 1847 | 1848 |
| THE HISTORY OF THE | 1849 | 1850 |
| THE HISTORY OF THE | 1851 | 1852 |
| THE HISTORY OF THE | 1853 | 1854 |
| THE HISTORY OF THE | 1855 | 1856 |
| THE HISTORY OF THE | 1857 | 1858 |
| THE HISTORY OF THE | 1859 | 1860 |
| THE HISTORY OF THE | 1861 | 1862 |
| THE HISTORY OF THE | 1863 | 1864 |
| THE HISTORY OF THE | 1865 | 1866 |
| THE HISTORY OF THE | 1867 | 1868 |
| THE HISTORY OF THE | 1869 | 1870 |
| THE HISTORY OF THE | 1871 | 1872 |
| THE HISTORY OF THE | 1873 | 1874 |
| THE HISTORY OF THE | 1875 | 1876 |
| THE HISTORY OF THE | 1877 | 1878 |
| THE HISTORY OF THE | 1879 | 1880 |
| THE HISTORY OF THE | 1881 | 1882 |
| THE HISTORY OF THE | 1883 | 1884 |
| THE HISTORY OF THE | 1885 | 1886 |
| THE HISTORY OF THE | 1887 | 1888 |
| THE HISTORY OF THE | 1889 | 1890 |
| THE HISTORY OF THE | 1891 | 1892 |
| THE HISTORY OF THE | 1893 | 1894 |
| THE HISTORY OF THE | 1895 | 1896 |
| THE HISTORY OF THE | 1897 | 1898 |
| THE HISTORY OF THE | 1899 | 1900 |

## DIGEST OF PUBLIC LAW 86-383

MUTUAL SECURITY APPROPRIATION ACT, 1960. Provides \$550 million for the Development Loan Fund, \$150 million for technical cooperation, and \$1,910,000 for the payment of ocean freight charges on relief shipments by voluntary agencies for needy persons abroad. Prohibits the use of funds appropriated in this Act to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of such projects or programs proposed for construction in the United States. Provides \$3,250,000 for the Office of Civil and Defense Mobilization for allocation to other Federal agencies for civil defense and defense mobilization functions, \$9,000,000 for Federal participation in the Century 21 Exposition to be held in Seattle in 1961-2, and \$50,000 for the Advisory Commission on Intergovernmental Relations. Extends the Commission on Civil Rights for 2 years and provides \$500,000 for its activities. Provides \$708,137 for payments of claims and judgments against the Government.









PROPOSED APPROPRIATIONS FOR THE MUTUAL SECURITY PROGRAMS, INCLUDING A DEPARTMENT OF STATE APPROPRIATION

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COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

PROPOSED APPROPRIATIONS FOR THE FISCAL YEAR 1960, IN THE AMOUNT OF \$3,929,995,000, FOR MUTUAL SECURITY PROGRAMS, INCLUDING A DEPARTMENT OF STATE APPROPRIATION

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JUNE 26, 1959.—Referred to the Committee on Appropriations, and ordered to be printed

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THE WHITE HOUSE,  
*Washington, June 26, 1959.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of the Congress proposed appropriations for the fiscal year 1960, in the amount of \$3,929,995,000, for mutual security programs, including a Department of State appropriation.

The details of these proposed appropriations, the necessity therefor, and the reasons for their submission at this time are set forth in the attached letter from the Director of the Bureau of the Budget, with whose comments and observations thereon I concur.

Respectfully yours,

DWIGHT D. EISENHOWER.

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., June 24, 1959.

The PRESIDENT,  
The White House.

SIR: I have the honor to submit herewith for your consideration proposed appropriations for the fiscal year 1960, in the amount of \$3,929,995,000, for mutual security programs, including a Department of State appropriation, the details of which are set forth in the attachment to this letter.

The amount recommended was covered in the budget for the fiscal year 1960, but detailed estimates were not included as the legislative proposals were not ready at the time the budget was transmitted.

The necessity for the appropriation request is detailed in the message from the President of the United States to the Congress on March 13, 1959, recommending the enactment of mutual security legislation. The amounts proposed are the same as set forth in that message since Congress has not finally acted on the authorizing legislation.

I recommend that these proposed appropriations be transmitted to the Congress at this time so that early action may be taken on them.

Respectfully yours,

MAURICE H. STANS,  
Director of the Bureau of the Budget.

## MUTUAL SECURITY

### FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Mutual Security Act of 1954, as amended, to remain available until June 30, [1959] 1960 unless otherwise specified herein, as follows:

Military assistance: For assistance authorized by section 103(a) to carry out the purposes of chapter I (including administrative expenses as authorized by section 103(b), which shall not exceed \$25,000,000 for the fiscal year [1959] 1960, and purchase for replacement only of passenger motor vehicles for use abroad), [\$1,515,000,000] \$1,600,000,000, to remain available until expended; and unexpended balances of funds heretofore made available for purposes of section 103(a) are hereby consolidated with this appropriation and shall remain available for the same purposes and time period: *Provided, That the unexpended balances of funds heretofore made available under the heading "Military construction, foreign countries", in chapter IX of the Supplemental Appropriation Act, 1953, shall be consolidated with this appropriation;*

Defense support: For assistance authorized by section 131(b), [\$750,000,000: *Provided, That not less than \$50,000,000 thereof shall be available for Spain exclusive of technical cooperation*] \$835,000,000, to remain available until expended;

Development Loan Fund: For advances to the Development Loan Fund as authorized by section 203, [\$400,000,000] \$700,000,000, to remain available until expended;

Technical cooperation, general authorization: For assistance authorized by section 304, [\$150,000,000] \$179,500,000, to remain available until expended;

United Nations expanded program of technical assistance and related fund: For contributions authorized by section 306(a), [\$20,000,000] \$30,000,000;

Technical cooperation programs of the Organization of American States: For contributions authorized by section 306(b), \$1,500,000;

Special assistance, general authorization: For assistance authorized by section 400(a), [\$200,000,000] \$271,800,000;

Intergovernmental Committee for European Migration: For contributions authorized by section 405(a), [\$12,500,000] \$12,200,000: *Provided, That no funds appropriated in this Act shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance*

based on reasonable standards to insure against Communist infiltration in the Western Hemisphere;

Program of United Nations High Commissioner for Refugees: For contributions authorized by section 405(c), **[\$1,200,000]** *\$1,100,000*;

Escapee program: For assistance authorized by section 405(d), **[\$8,600,000]** *\$5,200,000*;

United Nations Children's Fund: For contributions authorized by section 406, **[\$11,000,000]** *\$12,000,000*;

United Nations Relief and Works Agency: For contributions and expenditures authorized by section 407, \$25,000,000, and in addition the unobligated balances of funds heretofore made available for this purpose are continued available;

Ocean freight charges, United States voluntary relief agencies: For payments authorized by section 409(c), **[\$2,100,000]** *\$2,300,000*;

**[Control Act expenses: For carrying out the purposes of the Mutual Defense Assistance Control Act of 1951, as authorized by section 410, \$1,000,000;]**

General administrative expenses: For expenses authorized by section 411(b), **[\$33,000,000]** *\$39,500,000*;

Atoms for peace: For assistance authorized by section 419, **[\$5,500,000]** *\$6,500,000*;

President's Special Authority and Contingency Fund: For assistance authorized by section 451(b), **[\$155,000,000;]** *\$200,000,000*.

**[President's Fund for Asian Economic Development: Unobligated balances of funds heretofore made available for the President's Fund for Asian Economic Development are hereby continued available for the fiscal year 1959 for the purposes for which originally appropriated.]**

*Unobligated balances of funds heretofore made available under authority of the Mutual Security Act of 1954, as amended, and available as of June 30, 1959, are, except as otherwise provided, hereby continued available for the fiscal year 1960, for the same general purposes for which appropriated.*

Funds appropriated under each paragraph of this Act (other than appropriations under the head of military assistance), including unobligated balances continued available, and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made for the same general purpose as such paragraph, which amounts are hereby continued available (except as may otherwise be specified in this Act) for the same period as the respective appropriations in this Act for the same general purpose, may be consolidated in one account for each paragraph.

## DEPARTMENT OF STATE

Administrative and other expenses: For expenses of the Department of State as authorized by section 411(c) of the Mutual Security Act of 1954, as amended, **[\$6,692,500]** *\$8,395,000*.

## CORPORATIONS

The Development Loan Fund is hereby authorized to make such expenditures within the limits of funds available to it, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided in section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the fiscal year **[1959]** *1960* for such corporation, except as hereinafter provided:

### LIMITATION ON ADMINISTRATIVE EXPENSES, DEVELOPMENT LOAN FUND

Not to exceed **[\$1,250,000]** *\$2,050,000* of the funds of the Development Loan Fund shall be available during the fiscal year **[1959]** *1960* for administrative expenses of the Fund covering the categories set forth in the fiscal year **[1959]** *1960* budget estimates for such expenses.

## GENERAL PROVISIONS

**[SEC. 102. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.]**

**SEC. [103]** *102.* Payments made from funds appropriated herein for engineering fees and services to any individual engineering firm on any one project in excess of \$25,000 shall be reported to the Committee on Appropriations of the Senate and House of Representatives at least twice annually.



[SEC. 104. Except for the appropriations entitled "President's special authority and contingency fund" and "Development Loan Fund", not more than 20 per centum of any appropriation item made available by this Act shall be obligated and/or reserved during the last month of availability.]

SEC. [105] 103. The Congress hereby reiterates its opposition to the seating in the United Nations of the Communist China regime as the representative of China, and it is hereby declared to be the continuing sense of the Congress that the Communist regime in China has not demonstrated its willingness to fulfill the obligations contained in the Charter of the United Nations and should not be recognized to represent China in the United Nations. In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations, the President is requested to inform the Congress insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter.

SEC. [10 ] 104. The appropriations and authority with respect thereto in this Act shall be available from July 1, [1958] 1959, for the purposes provided in such appropriations and authority. All obligations incurred during the period between June 30, [1958] 1959, and the date of enactment of this Act in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms hereof.

SEC. [107] 105. None of the funds provided by this Act nor any of the counterpart funds generated as a result of assistance under this Act or any prior Act shall be used to pay pensions, annuities, retirement pay or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country.

[SEC. 108. Not to exceed 50 per centum of the foreign currencies heretofore generated in any country under section 402 of the Mutual Security Act of 1954, as amended, may, notwithstanding prior provisions of law, hereafter be used in accordance with the provisions of that section: *Provided*, That quarterly reports of the use of foreign currencies pursuant to this section shall be submitted to the Committees on Appropriations of the Senate and House of Representatives.]







July 27, 1959

7. WHEAT. Sen. Carlson inserted a statement and a resolution adopted at a meeting (which was attended by officials of this Department) of farmers and businessmen of Rawlins County, Kan., protesting the reduction in wheat acreage allotments for the county. pp. 13011-2
8. INTERGOVERNMENTAL RELATIONS. The Government Operations Committee reported with amendment S. 2026, to provide for the establishment of an Advisory Commission on Intergovernmental Relations (S. Rept. 584). p. 13012
9. FOREIGN AID. Received from the President "a report on Economic Assistance: Programs and Administration."; to Foreign Relations Committee. p. 13011
10. TRANSPORTATION. Sen. Wiley inserted an article by Sen. Smathers, "Blueprint To Save Our Railroads." pp. 13026-7

#### HOUSE

11. MUTUAL SECURITY. The Appropriations Committee reported without amendment H. R. 8385, the mutual security appropriation bill for 1960 (H. Rept. 712). p. 13125  
Received from the President a communication transmitting an amendment to the appropriation estimate for fiscal year 1960 for the Development Loan Fund, previously transmitted in his letter of June 26, 1959. This amendment would provide funds for both fiscal years 1960 and 1961 (H. Doc. 205). p. 13124  
Received from the International Cooperation Administration a copy of its reply to the Comptroller General on the GAO report on its "Review of Mutual Security Program Presentation to the Congress for Fiscal Year 1959 Economic Assistance to China, Korea, and Vietnam." p. 13124
2. FOREIGN AFFAIRS. Passed, 230 to 87, as reported H. R. 7072, to provide for U. S. participation in the Inter-American Development Bank. Subsequently passed, in lieu of H. R. 7072, S. 1928, a similar bill, after substituting the House-passed language for that in the Senate bill (pp. 13080-1, 13104-13). Rep. Madden stated that the bill "authorizes the President to accept membership on behalf of the United States in the Inter-American Development Bank; it also authorizes to be appropriated the full amount of the U. S. subscription of \$450 million," requires Congressional approval of increased subscription changes in the original agreement, and in general provides a base for economic development in Latin America (p. 13080).
3. DAIRY INDUSTRY. The Select Committee on Small Business submitted an interim report on the small business problem in the dairy industry (H. Rept. 714). p. 13125
4. PURCHASING. The Interstate and Foreign Commerce Committee reported with amendment H. R. 1341, to require passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain safety standards (H. Rept. 715). p. 13125
5. FARM LOANS; BANKING. On July 21 the House Banking and Currency Committee reported without amendment H. R. 8159 (H. Rept. 694). The committee report describes certain provisions of the bill as follows:

"H. R. 8159 is designed primarily to repeal various obsolete provisions of the national banking laws, to clarify and eliminate existing ambiguities, and to add new authority relating to" the operation of national banks.



"Section 24 repeals provisions of title II of the Agricultural Credits Act of 1923, authorizing the establishment of national agricultural credit corporations. Only three such corporations were formed under this act and the last one was liquidated in 1938. Under section 77 of the Banking Act of 1933 no national agricultural credit corporation may now be formed. Therefore, these provisions of law are obsolete."

16. FARM LOANS. As reported H. R. 7629 provides as follows: Permanently extends Sec. 17 of the Bankhead-Jones Farm Tenant Act (which expired June 30, 1959) which provides authority for making and insuring loans solely for the purpose of refinancing outstanding indebtedness of family-sized farmers who cannot meet their current debt terms and who are unable to refinance outstanding debts with other sources on rates and terms which they could reasonably be expected to fulfill, and amends Sec. 17 to allow the Farmers Home Administration to consider the value of all assets as well as all farm debts in determining a farmer's eligibility for the refinancing of such loans.
17. AREA REDEVELOPMENT. Rep. Kee expressed displeasure at the Rules Committee inaction on the amended version of S. 722, the area redevelopment bill and stated that "it is unthinkable ... that the House will adjourn without acting on this vitally important legislation." pp. 13078-9
18. WATERSHEDS. Both Houses received from the Budget Bureau two letters relative to plans for works of improvement relating to the Boggs Creek watershed, Ind.; Gilbert Run watershed, Md.; Marsh Run watershed, Ohio; Martinez Creek watershed, Texas; (all to the Agriculture Committee), Flat Creek watershed, Ark.; Second Creek watershed, Miss., and the Tehuacan Creek watershed, Texas (last three to the Public Works Committee) pursuant to the Watershed Protection and Flood Prevention Act. pp. 13124, 13124-5, 13011
19. COMMITTEE EXPENDITURES. Pursuant to the Legislative Reorganization Act of 1946, the name, profession and salary of each person employed by, and expenditures of, House committees were inserted. pp. 13118-24
20. LEGISLATIVE PROGRAM. The "Daily Digest" states that today (July 28) the House will consider H. R. 8385, the mutual security appropriation bill for 1960. p. D669

#### BILLS INTRODUCED

21. WHEAT AGREEMENT. S. 2449, by Sen. Ellender (by request), and H. R. 8409, by Rep. Spence, to extend the International Wheat Agreement Act of 1949; to Senate Agriculture and Forestry Committee and House Banking and Currency Committee.
22. SURPLUS PROPERTY. H. R. 8398, by Rep. Monagan, to amend the Federal Property and Administrative Services Act of 1949 to permit the donation of foreign excess property to medical institutions, hospitals, clinics, health centers, schools, colleges, and universities; to Government Operations Committee.  
H. R. 8408, by Rep. Rivers, Alaska, to provide for the disposition of surplus personal property to the government of Alaska; to Government Operations Committee.
23. HOGS. H. R. 8394, by Rep. Hogan, to assure orderly marketing of an adequate supply of hogs and pork products; to encourage increased domestic consumption of pork and pork products; to maintain the productive capacity of the hog-farming industry; to avoid the feeding of hogs to less desirable weights; and



MUTUAL SECURITY AND RELATED AGENCIES  
APPROPRIATION BILL, 1960

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JULY 24, 1959.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. PASSMAN, from the Committee on Appropriations, submitted the  
following

R E P O R T

[To accompany H.R. 8385]

The Committee on Appropriations submits the following report in  
explanation of the accompanying bill making appropriations for  
Mutual Security and related agencies for the fiscal year ending June  
30, 1960.

SUMMARY OF THE BILL

Estimates of appropriations requested to finance the Mutual Se-  
curity program in fiscal year 1960, contained in House Document No.  
188, dated June 26, 1959, total \$3,929,995,000. Language was also  
included in the same document requesting the reappropriation of all  
unobligated balances remaining available on June 30, 1959. In addi-  
tion, the Committee considered a request of \$6,282,000, to finance the  
costs of administration of the Ryukyu Islands, and a request of  
\$2,500,000 as a limitation on the administrative expenses of the  
Export-Import Bank of Washington. The latter two items are con-  
tained in the President's Budget on pages 565 and 146 respectively.

An additional estimate of \$500,000,000 for the 1961 program of the  
Development Loan Fund was received on July 24, 1959, in H. Doc. —.

The accompanying appropriation bill for fiscal year 1960 includes  
new appropriations of \$3,186,500,000 for the mutual security program  
and \$23,282,000 for the Ryukyu Islands, a total of \$3,209,782,000.

The accompanying bill recommends the following amounts:

|                                                             | Estimate           | Recommended        | Increase (+)<br>or decrease (-) |
|-------------------------------------------------------------|--------------------|--------------------|---------------------------------|
| Mutual security program.....                                | \$4, 429, 995, 000 | \$3, 186, 500, 000 | -\$1, 243, 495, 000             |
| Ryukyu Islands.....                                         | 6, 282, 000        | 23, 282, 000       | +17, 000, 000                   |
| Export-Import Bank (administrative expense limitation)..... | (2, 500, 000)      | (2, 500, 000)      | -----                           |
| Total.....                                                  | 4, 436, 277, 000   | 3, 209, 782, 000   | -1, 226, 495, 000               |

### TITLE I—MUTUAL SECURITY

The following tabulation summarizes the action of the Committee on the major items of the Mutual Security program. A detailed comparison will be found at the end of the report.

| Item                       | Estimate           | Recommended        | Increase (+)<br>or decrease (-) |
|----------------------------|--------------------|--------------------|---------------------------------|
| Military assistance.....   | \$1, 600, 000, 000 | \$1, 300, 000, 000 | -\$300, 000, 000                |
| Defense support.....       | 835, 000, 000      | 700, 000, 000      | -135, 000, 000                  |
| Development Loan Fund..... | 1, 200, 000, 000   | 550, 000, 000      | -650, 000, 000                  |
| Technical cooperation..... | 211, 000, 000      | 181, 500, 000      | -29, 500, 000                   |
| Special assistance.....    | 271, 800, 000      | 200, 000, 000      | -71, 800, 000                   |
| Other programs.....        | 112, 195, 000      | 100, 000, 000      | -12, 195, 000                   |
| Contingency fund.....      | 200, 000, 000      | 155, 000, 000      | -45, 000, 000                   |
| Total.....                 | 4, 429, 995, 000   | 3, 186, 500, 000   | -1, 243, 495, 000               |

<sup>1</sup> Includes \$500,000,000 for fiscal year 1961 program.

### FUNDS AVAILABLE

The regular 1960 Budget requested \$3,929,995,000 in new obligational authority for this program plus the reappropriation of the unobligated balances of prior year appropriations remaining available on June 30, 1959, estimated to be approximately \$36,188,000. Also, a supplemental request of \$500,000,000 for the 1961 program of the Development Loan Fund was requested by the President on July 24, 1959. In addition, there is approximately \$21,000,000 of military sales receipts which are available to the military assistance program under existing legislation. There is also available \$225,496,000 unobligated in the Development Loan Fund of which it is claimed that \$212,250,000 is committed.

The mutual security program also has available to it approximately \$1,565,148,000 in local currencies for obligation or commitment as follows:

| Local currency                            | Amount           |
|-------------------------------------------|------------------|
| MSP (U.S.-owned).....                     | \$168, 583, 000  |
| Counterpart (country-owned).....          | 788 507, 000     |
| Public Law 480, title I (U.S.-owned)..... | 600, 779, 000    |
| Other (country-owned).....                | 7, 279, 000      |
| Total.....                                | 1, 565, 148, 000 |

The amount of the authorization bill totals \$3,556,200,000 for fiscal year 1960 and reappropriation of unobligated balances is also authorized. The appropriation for the Intergovernmental Committee for European Migration for which \$12,200,000 was requested and the State Department administrative expenses for which \$8,395,000 was requested had been previously authorized on a "no-year" basis. The total amount authorized for fiscal year 1960 is therefore \$3,576,795,000, of which \$100,000 is for the NATO Parliamentary Conference, the appropriation for which is to be requested in another bill.

The Committee recommends \$3,186,500,000 in new obligational authority, plus the reappropriation of \$36,188,000 in unobligated balances remaining available on June 30, 1959. This is a reduction of \$1,243,495,000 below the revised budget estimate and \$390,295,000 below the authorization for 1960.

The total unexpended balance of funds available to the Mutual Security program as of June 30, 1959, is estimated to be \$4,871,448,000. This balance plus the new appropriation recommended in the bill will provide a total of \$8,057,948,000, exclusive of local currencies, available for expenditure.

Expenditures for this program in fiscal year 1960 are estimated at \$3,507,774,000.

#### BUDGETARY SUPPORT

The Committee brings to the attention of the House the use by the Executive Branch of cash transactions for the support of the national budgets and/or economic development of foreign countries. At the same time the Federal Budget is being financed on a deficit basis and the public debt is growing alarmingly. Such transactions leave the United States in a position where it cannot determine the ultimate use of the dollars so advanced. The Committee recognizes that the use of such cash transactions may be necessary in unusual circumstances, but urges the Executive Branch to resort to such methods of aid only on a very limited basis. The table below indicates the use of such cash transactions for the past 2 years and plans for such transactions in fiscal 1960 and raises a question as to whether our foreign policy objectives could not be equally served by the supplying of commodities and services rather than by the use of such cash transactions.

#### MSP BILATERAL CASH GRANTS AND LOANS FINANCED FROM ECONOMIC FUNDS

*Actual obligations fiscal years 1958 and 1959, and estimated obligations for fiscal year 1960*

[In thousands]

| Function and country           | Fiscal year<br>1958 | Fiscal year<br>1959 | Fiscal year<br>1960 <sup>1</sup><br>(estimated) |
|--------------------------------|---------------------|---------------------|-------------------------------------------------|
| Defense Support:               |                     |                     |                                                 |
| Near East and South Asia:      |                     |                     |                                                 |
| Iran .....                     |                     | \$3,000             | (Secret)                                        |
| Turkey .....                   |                     | 1,467               |                                                 |
| Far East:                      |                     |                     |                                                 |
| Laos .....                     | \$20,640            | 13,000              | (Secret)                                        |
| Total defense support .....    | 20,640              | 17,467              | \$35,000                                        |
| Special Assistance:            |                     |                     |                                                 |
| Europe and Africa:             |                     |                     |                                                 |
| Berlin .....                   | 23                  |                     |                                                 |
| Libya .....                    | 2,000               | 4,000               | (Secret)                                        |
| Morocco .....                  |                     | 19,000              | (Secret)                                        |
| Tunisia .....                  |                     | 5,000               | (Secret)                                        |
| Near East and South Asia:      |                     |                     |                                                 |
| Jordan .....                   | 20,000              | 38,230              | (Secret)                                        |
| Lebanon .....                  |                     | 12,500              |                                                 |
| Latin America:                 |                     |                     |                                                 |
| Bolivia .....                  | 7,150               | 12,200              | (Secret)                                        |
| Haiti .....                    | 1,670               | 5,500               | (Secret)                                        |
| Total special assistance ..... | 30,843              | 96,430              | 82,000                                          |
| Total cash grant .....         | 51,483              | 113,897             | 117,000                                         |

<sup>1</sup> Based on aid levels shown in fiscal year 1960 budget request.

<sup>2</sup> Includes \$15 million loan.



## MILITARY ASSISTANCE

The purpose of this appropriation is to provide military equipment, training, supplies and services to the military forces of certain countries in the fulfillment of United States national security objectives. The budget request of \$1,600,000,000 to provide such assistance to 37 countries was to be distributed by areas as follows:

| <i>Area</i>                     | <i>Amount</i>    |
|---------------------------------|------------------|
| Europe.....                     | \$477, 152, 000  |
| Africa.....                     | 7, 379, 000      |
| Near East and South Asia.....   | 411, 988, 000    |
| Far East.....                   | 567, 244, 000    |
| Latin America.....              | 96, 465, 000     |
| Non-Regional.....               | 237, 899, 000    |
| Total.....                      | 1, 798, 127, 000 |
| Less funding adjustment.....    | -198, 127, 000   |
| Total, military assistance..... | 1, 600, 000, 000 |

The authorizing legislation recently enacted by the Congress provides that not to exceed \$1,400,000,000 may be appropriated for this purpose.

The Committee recommends an appropriation of \$1,300,000,000, plus the reappropriation of \$15,453,000 of unobligated balances remaining available on June 30, 1959. The recommended amount is \$300,000,000 below the budget estimate and \$100,000,000 below the authorized ceiling for the fiscal year 1960.

The recommended amount of \$1,300,000,000, the reappropriated unobligated funds of \$15,453,000, military sales receipts of \$21,000,000, and \$2,539,625,000 in unexpended funds as of June 30 will provide a total of \$3,876,078,000 for expenditure.

## DEFENSE SUPPORT

Defense Support is defined as that economic assistance which is required, in addition to military assistance, in order to secure a specific contribution to the common defense by another country in which U.S. military aid is helping to support significant military forces.

The budget proposed such support for the following 12 nations:

|                   |          |        |
|-------------------|----------|--------|
| Korea             | Laos     | Iran   |
| Republic of China | Cambodia | Turkey |
| Viet-Nam          | Thailand | Greece |
| Philippines       | Pakistan | Spain  |

The budget estimate proposed an appropriation of \$835,000,000 for fiscal year 1960. The authorization bill provides that not to exceed \$751,000,000 may be appropriated for this purpose.

An appropriation of \$700,000,000 is recommended by the Committee, plus the reappropriation of \$90,000 in unobligated funds. This recommendation is \$135,000,000 below the budget estimate of \$835,000,000 and \$51,000,000 below the authorized ceiling for 1960.

The new obligational authority of \$700,000,000, plus the unexpended funds as of June 30, 1959, of \$798,688,000 and a reappropriated balance of \$90,000 will provide a total of \$1,498,778,000 for expenditure. In addition, the Committee points out that there is

also available \$96,519,000 in unexpended funds previously appropriated for Development Assistance.

#### DEVELOPMENT LOAN FUND

The Development Loan Fund is administered by a government corporation established to support long-range growth in the under-developed countries of the world. It provides capital for development projects and programs through direct loans and other forms of credit.

To date, there has been appropriated to the Fund \$850,000,000. As of June 30, 1959, actual obligations amounted to \$623,254,000 exclusive of administrative expenses. Of the unobligated balance of \$225,496,000, the sum of \$212,250,000 is in the nature of "committed" funds.

The regular budget estimate proposed that \$700,000,000 be appropriated to the Fund in fiscal year 1960. The supplemental estimate received on July 24, 1959, proposed an appropriation of \$500,000,000 for the 1961 program. The authorization bill authorized an appropriation of \$700,000,000 for 1960 and further authorized an appropriation of \$1,100,000,000 to be advanced prior to July 1, 1961.

The Committee recommends an appropriation of \$550,000,000 for fiscal year 1960. This is a reduction of \$150,000,000 in the budget estimate and the amount authorized in the authorization bill.

The Fund, as noted above, is designed to provide assistance, through loans and credits, to the under-developed countries of the world. Mr. Douglas Dillon, Under Secretary of State, testified, on page 1076 of the hearings, that he thought it would be necessary to continue this program for 20 to 30 years into the future. He also testified that the Fund could use sums of around a billion dollars a year over the next few years.

The United States is accumulating local currencies at an ever-increasing rate and the Committee is concerned as to how these loan repayments in local currency can be utilized by the United States.

Testimony on page 1079 of the hearings indicates that, except for United States use of these local currencies entirely within the borrowing country, the United States has to have permission of the local country to take assets out of the country. Testimony further developed the fact that as the borrowing country has veto power over United States usage of such local currency repayments, it can, in effect, create its own individual revolving fund for development purposes, since the United States cannot use these funds for other purposes.

An audit by the General Accounting Office of Development Loan Fund operations in fiscal year 1958 revealed that the Fund had allocated loan funds to programs rather than to specific projects in several countries. While the Fund may have the legal right to do so, as evidenced by the opinion of the General Counsel of the General Accounting Office, pages 1715-1717 of the hearings, it is the Committee's opinion that such allocation of funds pending receipt of firm proposals from the borrowing country is contrary to the legislative history of the Fund and the testimony presented to various committees of the Congress.



## TECHNICAL COOPERATION

Technical cooperation is defined as a program for the international interchange of technical knowledge and skills through training, demonstrations, surveys, and similar activities designed to contribute primarily to the balanced and integrated development of the economic resources and productive capacities of economically under-developed areas.

The budget estimate and the authorization bill provide that not to exceed a total of \$211,000,000 may be appropriated for this purpose. The proposed program would provide technical assistance to 49 countries and 9 territories of the world. In addition, funds are requested for the United States contribution to the United Nations program and also to the Organization of American States.

*Technical cooperation, general authorization.*—The budget estimate and the authorization bill provide not to exceed \$179,500,000 for this purpose. The detail of the budget program by area is as follows:

| Area                          | Budget estimate |
|-------------------------------|-----------------|
| Europe.....                   | \$3, 000, 000   |
| Africa.....                   | 20, 700, 000    |
| Near East and South Asia..... | 50, 600, 000    |
| Far East.....                 | 36, 700, 000    |
| Latin America.....            | 43, 700, 000    |
| Interregional Expenses.....   | 24, 800, 000    |
| Total.....                    | 179, 500, 000   |

The Committee recommends an appropriation of \$150,000,000. This is a reduction of \$29,500,000 below the budget estimate and the authorization bill.

The amount recommended by the Committee is the same amount as was appropriated for fiscal year 1959. It should be noted, however, that \$3,912,000 of the fiscal year 1959 appropriation remained unobligated at the end of the fiscal year. Since the accompanying bill reappropriates the unobligated balance there is a total of \$153,912,000 available for obligation during fiscal year 1960 which is \$8,835,000 over the amount obligated in fiscal year 1959.

The unexpended balance for this item as of June 30, 1959, is estimated to be \$159,171,000, or approximately a full year's expenditure requirement.

A comparison of U.S. appropriations for the bilateral and U.N. programs is as follows:

| Year      | Contribution to U.N. program | U.S. bilateral program | Year                    | Contribution to U.N. program | U.S. bilateral program |
|-----------|------------------------------|------------------------|-------------------------|------------------------------|------------------------|
| 1952..... | \$11, 400, 000               | } 227, 600, 000        | 1957.....               | \$15, 300, 000               | \$135, 000, 000        |
| 1953..... | 12, 800, 000                 |                        | 1958.....               | 14, 100, 000                 | 125, 000, 000          |
| 1954..... | 13, 900, 000                 |                        | 1959.....               | 25, 000, 000                 | 150, 000, 000          |
| 1955..... | 15, 000, 000                 | 105, 000, 000          | 1960 (recommended)..... | 30, 000, 000                 | 150, 000, 000          |
| 1956..... | 14, 400, 000                 | 127, 500, 000          |                         |                              |                        |

The Committee is greatly concerned about the very rapid growth of this program since its inception in 1952, as indicated by the annual appropriations in the table above. In effecting the recommended reduction in this program, the Committee directs that both the num-

ber and the individual cost of training for each participant in the program should be reduced.

*United Nations Expanded Program of Technical Assistance.*—The budget estimate and authorization ceiling for this program is \$30,000,000.

The bill includes an appropriation of \$30,000,000, which is an increase of \$10,000,000 above the 1959 appropriation.

The Committee notes that the U.S. percentage contribution has decreased from 60 percent in 1950 to the present 40 percent. However, the actual dollar contribution has risen from \$12,000,000 in 1950 to the present request of \$30,000,000 in 1960. The Committee is interested in future years in obtaining a reduction not only in the percentage of our contribution to this program but in a reduction in our total dollar contribution as well.

*Organization of American States.*—The budget estimate and the authorization bill provide \$1,500,000 as the United States contribution to the technical cooperation program of the Organization of American States.

The Committee recommends an appropriation of \$1,500,000 plus reappropriation of unobligated 1959 funds in the amount of \$300,000.

#### SPECIAL ASSISTANCE

Special assistance is defined as economic aid designed to achieve political, economic, humanitarian, or other objectives of the United States in countries where the United States is not providing military assistance in support of significant military forces, and where the need for such assistance cannot appropriately or fully be provided under technical cooperation or from the Development Loan Fund. Special assistance is also the funding source for certain programs which cut across country lines—such as the worldwide malaria eradication program—which serve important United States interests and which cannot appropriately be financed under other categories of aid.

The budget estimate of \$271,800,000 for this purpose was to be distributed by area as follows:

| Area                          | Estimate       |
|-------------------------------|----------------|
| Europe.....                   | \$21, 600, 000 |
| Africa.....                   | 88, 300, 000   |
| Near East and south Asia..... | 79, 600, 000   |
| Far East.....                 | 3, 700, 000    |
| Latin America.....            | 27, 600, 000   |
| Special programs.....         | 51, 000, 000   |

West Berlin and the following countries are proposed for such assistance: Afghanistan, Bolivia, Burma, Ethiopia, Haiti, Indonesia, Israel, Jordan, Liberia, Libya, Morocco, Nepal, Somalia, Sudan, Tunisia and Yugoslavia.

Included in the special programs requested were the following:

|                                     |                |
|-------------------------------------|----------------|
| Malaria eradication.....            | \$35, 000, 000 |
| Community Water Development.....    | 5, 000, 000    |
| Health Research.....                | 1, 000, 000    |
| Aid to American schools abroad..... | 5, 000, 000    |
| Miscellaneous programs.....         | 5, 000, 000    |
| Total.....                          | 51, 000, 000   |

The Committee recommends an appropriation of \$200,000,000. This is \$71,800,000 below the budget estimate and \$47,500,000 below the ceiling specified in the authorization bill. The Committee has specifically denied the \$5,000,000 requested for the Incentive Investment Fund program.

The unexpended balance for this item as of June 30, 1959, was estimated to be \$161,678,000, including an unobligated balance of \$1,249,000. This sum plus the recommended appropriation of \$200,000,000 will make available a total of \$361,678,000 for expenditure.

#### OTHER PROGRAMS

*Intergovernmental Committee for European Migration.*—The objective of this organization is to move and resettle those surplus populations and refugees from the overpopulated countries of Europe to other countries which can use additional manpower. From February 1, 1952, to December 31, 1957, the Committee has moved a total of 713,700 migrants and refugees out of Europe. The program for 1960 contemplates the moving of 129,650 individuals, including 3,000 from the Far East.

The budget estimate for this purpose is \$12,200,000 and the Committee recommends \$8,000,000, plus the reappropriation of \$4,829,000 of unobligated funds estimated to be available on June 30, 1959. This is a reduction of \$4,200,000 below the budget estimate but is \$5,158,000 above the amount obligated in fiscal year 1959, including the unobligated balance carried forward.

*United Nations Refugee Fund.*—This program was authorized by the United Nations General Assembly on December 2, 1957, to ensure continuity of assistance to refugees after the termination of the United Nations Refugee Fund on December 31, 1958. The program will carry out unfinished programs of the UNREF Program, such as camp closure, and will focus increasing attention on those categories of refugees for whom supplementary material assistance is found to be within the area of international responsibility. The United States contribution is not to exceed one-third of the total contribution of member nations. The United States furnishes additional assistance to these refugees through the use of surplus agricultural commodities under Titles II and III of Public Law 480.

The Committee recommends an appropriation of \$1,100,000 for this purpose, the full amount of the budget estimate.

*Escapee Program.*—The principal objective of this program is to reduce the numbers of escapees in need of assistance in Europe by resettlement in overseas countries which are seeking additional people. While the escapees are awaiting permanent reestablishment, the program supplements the assistance of the countries of asylum and of the voluntary agencies. The United States contribution fills the gap which remains between what can be provided from these two sources and what is needed to assure a level of assistance considered essential.

The budget estimate and the authorization of \$5,200,000 is to provide for an anticipated 10,600 new escapees in addition to the caseload carried over from prior years.

The committee recommends \$5,200,000 for this program, the full amount of the budget estimate. In addition, unobligated funds of \$568,000 are reappropriated.



*United Nations Children's Fund.*—This program is designed to improve the welfare and health of children and mothers primarily in underdeveloped areas of the world. The program provides basic medical equipment for rural health centers and training schools, insecticides, vaccines and antibiotics to initiate campaigns against disease, powdered milk to combat malnutrition, and equipment for local dairies and food processing industries to improve child nutrition. The program is currently assisting 328 programs in 97 countries and territories.

The budget estimate and the authorization bill provide \$12,000,000 for this purpose. The Committee recommends the full amount of the budget estimate for this program.

*United Nations Relief and Works Agency.*—This program provides funds for United States participation in the relief and rehabilitation of Palestine refugees in the Near East. This participation takes the form of a contribution to the United Nations Relief and Works Agency.

The budget estimate and authorization for this purpose is \$25,000,000. In addition, the budget estimate proposes the reappropriation of unobligated balances, estimated to be approximately \$4,428,000 as of June 30, 1959.

The Committee recommends the full amount of the budget estimate, \$25,000,000 plus the reappropriation of the unobligated funds.

*Ocean freight.*—This program subsidizes cost of the movement overseas of supplies donated to American voluntary agencies, and facilitates and encourages people-to-people gifts from Americans to needy persons abroad.

The budget estimate and authorization for this program is \$2,-300,000.

The bill includes the full amount of the budget estimate. This is an increase of \$200,000 above the 1959 appropriation. In addition, \$390,000 of unused 1959 funds are reappropriated.

*General Administrative expenses.*—The budget estimate for this purpose is \$39,500,000, the same amount as contained in the authorization bill.

The Committee recommends an appropriation of \$37,000,000, a reduction of \$2,500,000 below the estimate and authorization, but an increase of \$4,000,000 above the 1959 appropriation of \$33,000,000. However, after adjustments for Pay Act costs, and other transfers, the available funds in fiscal 1959 amounted to \$36,943,000. Therefore, the actual increase in this item above the 1959 available funds is \$57,000, plus \$125,000 of unobligated 1959 funds carried forward.

The Committee has not included a limitation on the expenses of the proposed Office of Inspector General and Comptroller since this is a newly created office. The Committee will receive testimony next year on the financial requirements therefor. Any transfer of functions to this office which are presently financed from the general administrative expenses appropriation are not to be duplicated and the costs thereof shall be deducted from the general administrative expense fund and placed in reserve.

*Administrative Expenses, State Department.*—The Committee was advised that this item provides for the administrative expenses of the State Department incurred in providing coordination and program



policy review of the Mutual Security Program in Washington and abroad, for public information on the program, and for support of the U.S. mission to NATO and European Regional Organization in Paris. In addition, the administrative expenses of the Refugee and Migration program are financed by this appropriation. The recently enacted authorization bill also transferred the costs of administering the Mutual Defense Assistance Control Act of 1951 (Battle Act) to this item. These costs were \$1,000,000 in fiscal year 1959.

A budget estimate of \$8,395,000 was submitted to finance these activities. The Committee recommends \$7,900,000, a reduction of \$495,000 below the estimate. It also provides for the reappropriation of \$64,000 of unobligated 1959 funds.

Specifically denied by the Committee are funds in the amount of \$100,000 for the International Development Advisory Board.

*Atoms for Peace.*—This program has for its purpose the promotion of the peaceful uses of atomic energy abroad. The budget estimate included the following activities:

| <i>Activity</i>                                             | <i>Estimate</i> |
|-------------------------------------------------------------|-----------------|
| Reactor grants-----                                         | \$2, 450, 000   |
| Research and training equipment-----                        | 2, 050, 000     |
| Survey and development of peaceful uses-----                | 500, 000        |
| Contribution to the International Atomic Energy Agency----- | 750, 000        |
| Scholarship program-----                                    | 750, 000        |
| Total-----                                                  | 6, 500, 000     |

Last year's budget for this program provided \$5,500,000, an increase of \$1,050,000 above the fiscal year 1958 appropriation. The Committee and the Congress approved the full budget estimate. This year the Committee received testimony that unobligated funds remaining available on June 30, 1959, will be approximately \$2,101,000.

This year the budget estimate and the authorization bill provide \$6,500,000 for this purpose.

The Committee recommends an appropriation of \$1,500,000, plus the reappropriation of \$2,101,000, the unobligated funds available on June 30.

In effect, the Committee has provided \$3,601,000, a little more than the amount the agency was able to obligate in fiscal year 1959.

Total funds available for expenditure, including the new appropriation, will amount to \$10,664,000.

#### CONTINGENCY FUND

*President's Special Authority and Contingency Fund.*—The contingency fund is intended to serve as a reserve to meet in part: (a) anticipated requirements which are not firm at the time of the congressional presentation, and (b) unforeseen contingencies.

The budget estimate proposed \$200,000,000 and the recently enacted authorization bill authorized not to exceed \$155,000,000 for this purpose.

The Committee recommends an appropriation of \$155,000,000, the amount authorized, plus the reappropriation of \$184,000 of unobligated funds remaining available on June 30, 1959.

## LIMITATIONS

Sections 108–112, inclusive, prohibit the use of funds to initiate or expand certain programs, namely: the special education and training program, the foreign small business program, international cooperation in health, the cultural and technical interchange center, and the World Refugee Year. Section 113 prohibits the use of funds to enter into contracts with persons or organizations who have offered compensation to employees of the International Cooperation Administration, or who employ such employees within two years of the date they leave ICA employment.

Some of these items are supplemental to existing activities and some initiate new programs. The Committee is not willing to start on these until a properly coordinated budget presentation can be made; programs of this type should not be started at the end of a session without opportunity for more thorough study than has been given so far—and perhaps some of them shouldn't be started in any event.

## TITLE II—DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

## RYUKYU ISLANDS, ARMY

*Administration.*—The Department of the Army serves as executive agent for the United States Civil Administration, Ryukyu Islands. The Budget estimate for this purpose for fiscal year 1960 is \$6,282,000.

The Committee recommends an appropriation of \$5,282,000, a reduction of \$1,000,000 in the estimate. The reduction is in the activity "Aid to the Ryukyuan Economy" for which \$4,085,000 was requested.

*Construction of power systems.*—The Committee has approved an appropriation of \$18,000,000 for the *initiation and completion* of construction of an electric power system for this group of islands, which is a very vital link in our Western Pacific defense organization. The budget estimate proposed a partial funding of this project with an appropriation of \$10 million as the first increment. The Committee prefers to provide complete funding in order to avoid undue delay and revision of plans which so frequently occurs when such work is done on a piecemeal basis. The amount of \$18,000,000 is recommended with the understanding that the entire project will be completed within this amount.

It is the Committee's desire that American manufactured products should be used in this project wherever feasible.

## TITLE III—EXPORT-IMPORT BANK OF WASHINGTON

*Limitation on administrative expenses.*—The estimate of administrative expense requirements for this agency is \$2,500,000.

The Committee recommends the full amount of the budget estimate, an increase of \$293,000 above the 1959 limitation.

## LIMITATIONS AND LEGISLATIVE PROVISIONS

The following limitations and legislative provisions not heretofore carried in connection with any appropriation bill are recommended: On pages 7 and 8 under General Provisions:

*SEC. 108. None of the funds herein appropriated shall be used to carry out the provisions of Section 205(1) of the Mutual Security Act of 1959.*

*SEC. 109. None of the funds herein appropriated shall be used to carry out the provisions of Section 401(b) of the Mutual Security Act of 1959.*

*SEC. 110. None of the funds herein appropriated shall be used to carry out the provisions of Section 501 of the Mutual Security Act of 1959.*

*SEC. 111. None of the funds herein appropriated shall be used to carry out the provisions of Chapter VI of the Mutual Security Act of 1959.*

*SEC. 112. None of the funds herein appropriated shall be used to carry out the provisions of Section 703 of the Mutual Security Act of 1959.*

*SEC. 113. None of the funds contained in this title may be used to enter into a contract with any person, organization, company, or concern or any of its affiliates, who has offered or who offers to provide compensation to an employee of the International Cooperation Administration or who provides compensation to any former employee of the International Cooperation Administration who has left employment with International Cooperation Administration within two years from the date of employment with said person, organization, company, or concern or any of its affiliates.*



COMPARATIVE STATEMENT OF APPROPRIATIONS FOR 1959, ESTIMATES FOR 1960, AND AMOUNTS  
RECOMMENDED IN BILL FOR 1960

| Items                                   | Appropriations, 1959 | Budget estimates, 1960 <sup>1</sup> | Recommended in bill for 1960 <sup>1</sup> | Bill compared with— |                  |
|-----------------------------------------|----------------------|-------------------------------------|-------------------------------------------|---------------------|------------------|
|                                         |                      |                                     |                                           | 1959 appropriations | 1960 estimates   |
| TITLE I—MUTUAL SECURITY                 |                      |                                     |                                           |                     |                  |
| Military assistance -----               | \$1, 515, 000, 000   | \$1, 600, 000, 000                  | \$1, 300, 000, 000                        | —\$215, 000, 000    | —\$300, 000, 000 |
| Defense support -----                   | 750, 000, 000        | 835, 000, 000                       | 700, 000, 000                             | —50, 000, 000       | —135, 000, 000   |
| Development Loan Fund:                  |                      |                                     |                                           |                     |                  |
| Appropriation, 1960 -----               | 550, 000, 000        | 700, 000, 000                       | 550, 000, 000                             | -----               | —150, 000, 000   |
| Appropriation, 1961 -----               | -----                | <sup>2</sup> 500, 000, 000          | -----                                     | -----               | —500, 000, 000   |
| Administrative expense limitation ----- | (1, 250, 000)        | (2, 050, 000)                       | (1, 750, 000)                             | (+ 500, 000)        | (—300, 000)      |
| Technical cooperation:                  |                      |                                     |                                           |                     |                  |
| General authorization -----             | 150, 000, 000        | 179, 500, 000                       | 150, 000, 000                             | -----               | —29, 500, 000    |
| United Nations expanded program -----   | 20, 000, 000         | 30, 000, 000                        | 30, 000, 000                              | +10, 000, 000       | -----            |
| Organization of American States -----   | 1, 500, 000          | 1, 500, 000                         | 1, 500, 000                               | -----               | -----            |
| Total, technical cooperation -----      | 171, 500, 000        | 211, 000, 000                       | 181, 500, 000                             | +10, 000, 000       | —29, 500, 000    |
| Special assistance -----                | 200, 000, 000        | 271, 800, 000                       | 200, 000, 000                             | -----               | —71, 800, 000    |

See footnotes at end of table, p. 16.



*Comparative statement of appropriations for 1959, estimates for 1960, and amounts recommended in bill for 1960—Con.*

| Items                                                    | Appropriations, 1959 | Budget estimates, 1960 <sup>1</sup> | Recommended in bill for 1960 <sup>1</sup> | Bill compared with— |                |
|----------------------------------------------------------|----------------------|-------------------------------------|-------------------------------------------|---------------------|----------------|
|                                                          |                      |                                     |                                           | 1959 appropriations | 1960 estimates |
| MUTUAL SECURITY—Continued                                |                      |                                     |                                           |                     |                |
| Other programs:                                          |                      |                                     |                                           |                     |                |
| Intergovernmental Committee for European Migration ..... | \$12,500,000         | \$12,200,000                        | \$8,000,000                               | —\$4,500,000        | —\$4,200,000   |
| United Nations' High Commissioner for Refugees .....     | 1,200,000            | 1,100,000                           | 1,100,000                                 | —100,000            | -----          |
| Escapee program .....                                    | 8,600,000            | 5,200,000                           | 5,200,000                                 | —3,400,000          | -----          |
| United Nations Children's Fund .....                     | 11,000,000           | 12,000,000                          | 12,000,000                                | +1,000,000          | -----          |
| United Nations Relief and Works Agency .....             | 25,000,000           | 25,000,000                          | 25,000,000                                | -----               | -----          |
| Ocean freight charges .....                              | 2,100,000            | 2,300,000                           | 2,300,000                                 | +200,000            | -----          |
| Control Act expenses .....                               | 1,000,000            | ( <sup>3</sup> )                    | -----                                     | —1,000,000          | -----          |
| General administrative expenses .....                    | 33,000,000           | 39,500,000                          | 37,000,000                                | +4,000,000          | —2,500,000     |
| State Department, administrative expenses .....          | 6,692,500            | 38,395,000                          | 7,900,000                                 | +1,207,500          | —495,000       |
| Atoms for peace .....                                    | 5,500,000            | 6,500,000                           | 1,500,000                                 | —4,000,000          | —5,000,000     |
| Total, other programs .....                              | 106,592,500          | 112,195,000                         | 100,000,000                               | —6,592,500          | —12,195,000    |

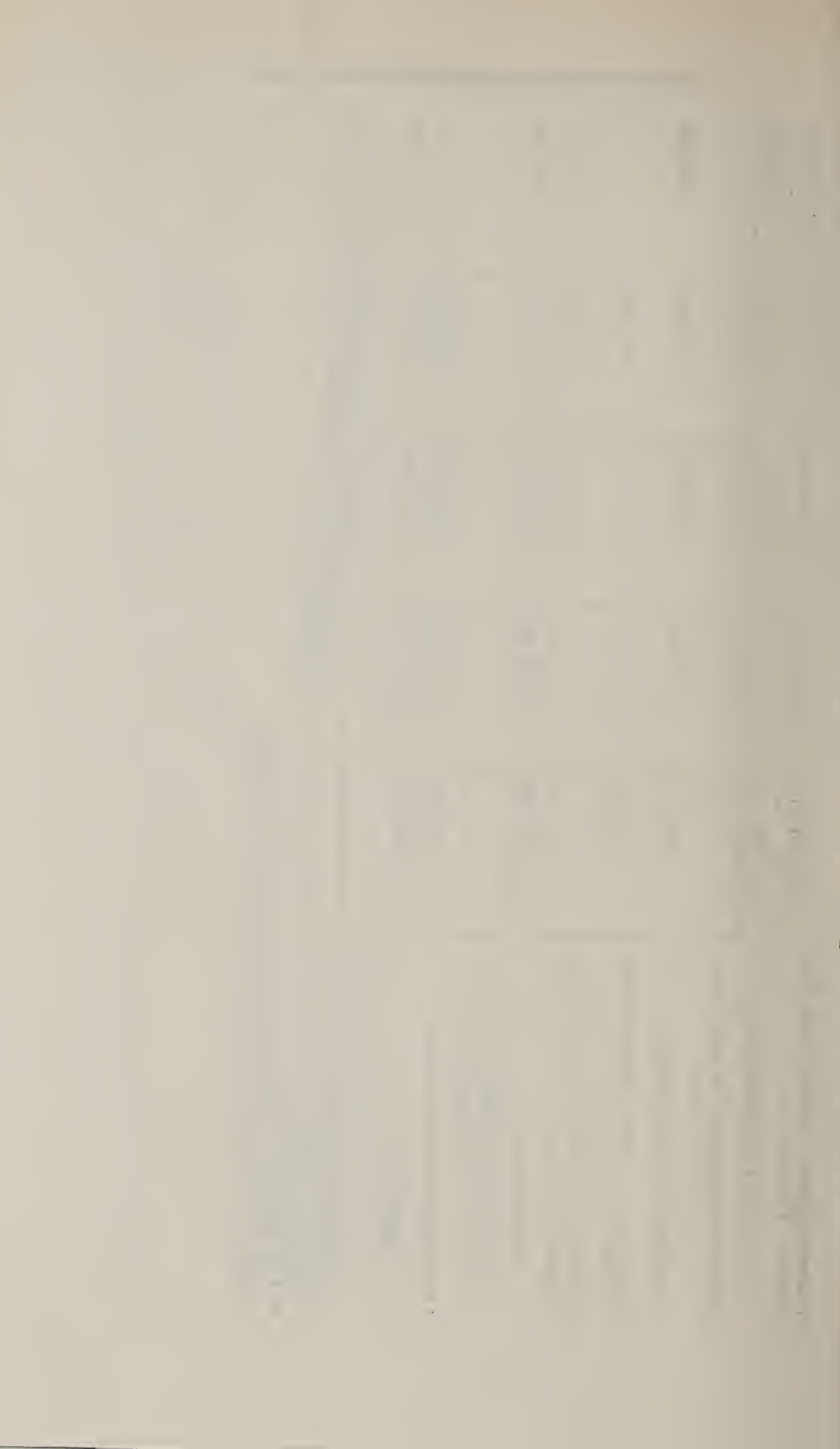
|                                                         |               |                  |               |              |                |
|---------------------------------------------------------|---------------|------------------|---------------|--------------|----------------|
| President's Special Authority and Contingency Fund----- | 155,000,000   | 200,000,000      | 155,000,000   | -----        | -45,000,000    |
| Total, Title I—Mutual Security-----                     | 3,448,092,500 | 4,429,995,000    | 3,186,500,000 | -261,592,500 | -1,243,495,000 |
| TITLE II—DEPARTMENT OF THE ARMY—<br>CIVIL FUNCTIONS     |               |                  |               |              |                |
| Administration, Ryukyu Islands-----                     | 2,860,400     | 6,282,000        | 5,282,000     | +2,421,600   | -1,000,000     |
| Construction of water systems, Ryukyu Islands-----      | 600,000       | -----            | -----         | -600,000     | -----          |
| Construction of power systems, Ryukyu Islands-----      | -----         | ( <sup>4</sup> ) | 18,000,000    | +18,000,000  | +18,000,000    |
| Total, Title II-----                                    | 3,460,400     | 6,282,000        | 23,282,000    | +19,821,600  | +17,000,000    |
| TITLE III—EXPORT-IMPORT BANK OF<br>WASHINGTON           |               |                  |               |              |                |
| Administrative expense limitation-----                  | (2,207,000)   | (2,500,000)      | (2,500,000)   | (+293,000)   | -----          |
| Grand total-----                                        | 3,451,552,900 | 4,436,277,000    | 3,209,782,000 | -241,770,900 | 1,226,495,000  |

<sup>1</sup> In addition, all unobligated balances continued available as proposed in H. Doc 188.

<sup>2</sup> Amended estimate for fiscal year 1961 program received on July 24, 1959, in H. Doc. ---.

<sup>3</sup> The program for Control Act will be financed in fiscal year 1960 from State Department Administrative Expenses, sec. 411(e).

<sup>4</sup> Estimate of \$10,000,000 contained in House Doc. No. 58 for partial funding denied in consideration of Second Supplemental Appropriation Act, 1959



Union Calendar No. 301

86TH CONGRESS  
1ST SESSION

**H. R. 8385**

[Report No. 712]

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IN THE HOUSE OF REPRESENTATIVES

JULY 24, 1959

Mr. PASSMAN, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## **A BILL**

Making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

- 1       *Be it enacted by the Senate and House of Representa-*
- 2       *tives of the United States of America in Congress assembled,*
- 3       That the following sums are appropriated, out of any money
- 4       in the Treasury not otherwise appropriated, for the fiscal
- 5       year ending June 30, 1960, namely:



## 1 TITLE I—MUTUAL SECURITY

## 2 FUNDS APPROPRIATED TO THE PRESIDENT

3 For expenses necessary to enable the President to carry  
4 out the provisions of the Mutual Security Act of 1954, as  
5 amended, to remain available until June 30, 1960 unless  
6 otherwise specified herein, as follows:

7 Military assistance: For assistance authorized by section  
8 103 (a) to carry out the purposes of chapter I (including  
9 administrative expenses as authorized by section 103 (b),  
10 which shall not exceed \$25,000,000 for the fiscal year  
11 1960, and purchase for replacement only of passenger motor  
12 vehicles for use abroad), \$1,300,000,000;

13 Defense support: For assistance authorized by section  
14 131 (b), \$700,000,000: *Provided*, That not less than \$50,-  
15 000,000 thereof shall be available for Spain exclusive of  
16 technical cooperation;

17 Development Loan Fund: For advances to the Devel-  
18 opment Loan Fund as authorized by section 203, \$550,000,-  
19 000, to remain available until expended;

20 Technical cooperation, general authorization: For assist-  
21 ance authorized by section 304, \$150,000,000;

22 United Nations expanded program of technical assist-  
23 ance and related fund: For contributions authorized by sec-  
24 tion 306 (a), \$30,000,000;

1        Technical cooperation programs of the Organization of  
2 American States: For contributions authorized by section  
3 306 (b) , \$1,500,000;

4        Special assistance, general authorization: For assistance  
5 authorized by section 400 (a) , \$200,000,000;

6        Intergovernmental Committee for European Migration:  
7 For contributions authorized by section 405 (a) , \$8,000,000:  
8 *Provided*, That no funds appropriated in this Act shall be  
9 used to assist directly in the migration to any nation in the  
10 Western Hemisphere of any person not having a security  
11 clearance based on reasonable standards to insure against  
12 Communist infiltration in the Western Hemisphere;

13       Program of United Nations High Commissioner for  
14 Refugees: For contributions authorized by section 405 (c) ,  
15 \$1,100,000;

16       Escapee program: For assistance authorized by section  
17 405 (d) , \$5,200,000;

18       United Nations Children's Fund: For contributions au-  
19 thorized by section 406, \$12,000,000;

20       United Nations Relief and Works Agency: For contribu-  
21 tions and expenditures authorized by section 407, \$25,000,-  
22 000;

23       Ocean freight charges, United States voluntary relief  
24 agencies: For payments authorized by section 409 (c) ,  
25 \$2,300,000;

1       General administrative expenses: For expenses author-  
2 ized by section 411 (b) , \$37,000,000;

3       Atoms for peace: For assistance authorized by section  
4 419, \$1,500,000;

5       President's Special Authority and Contingency Fund:  
6 For assistance authorized by section 451 (b) , \$155,000,000.

7       Unobligated balances of funds heretofore made available  
8 under authority of the Mutual Security Act of 1954, as  
9 amended, and available as of June 30, 1959, are, except as  
10 otherwise provided, hereby continued available for the fiscal  
11 year 1960, for the same general purposes for which appro-  
12 priated.

13       Funds appropriated under each paragraph of this Act  
14 (other than appropriations under the head of military assist-  
15 ance) , including unobligated balances continued available,  
16 and amounts certified pursuant to section 1311 of the Sup-  
17 plemental Appropriation Act, 1955, as having been obli-  
18 gated against appropriations heretofore made for the same  
19 general purpose as such paragraph, which amounts are  
20 hereby continued available (except as may otherwise be spec-  
21 ified in this Act) for the same period as the respective ap-  
22 propriations in this Act for the same general purpose, may  
23 be consolidated in one account for each paragraph.

## DEPARTMENT OF STATE

Administrative expenses: For expenses of the Department of State as authorized by section 411 (c) of the Mutual Security Act of 1954, as amended, \$7,900,000.

## CORPORATION

The Development Loan Fund is hereby authorized to make such expenditures within the limits of funds available to it, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided in section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the fiscal year 1960 for such corporation, except as hereinafter provided:

## LIMITATION ON ADMINISTRATIVE EXPENSES, DEVELOPMENT LOAN FUND

Not to exceed \$1,750,000 of the funds of the Development Loan Fund shall be available during the fiscal year 1960 for administrative expenses of the Fund covering the categories set forth in the fiscal year 1960 budget estimates for such expenses.

## GENERAL PROVISIONS

SEC. 102. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.



1        SEC. 103. Payments made from funds appropriated  
2 herein for engineering and architectural fees and services  
3 to any individual or group of engineering and architectural  
4 firms on any one project in excess of \$25,000 shall be  
5 reported to the Committee on Appropriations of the Senate  
6 and House of Representatives at least twice annually.

7        SEC. 104. Except for the appropriations entitled "Presi-  
8 dent's special authority and contingency fund" and "Devel-  
9 opment Loan Fund", not more than 20 per centum of any  
10 appropriation item made available by this Act shall be obli-  
11 gated and/or reserved during the last month of availability.

12        SEC. 105. The Congress hereby reiterates its opposi-  
13 tion to the seating in the United Nations of the Com-  
14 munist China regime as the representative of China, and  
15 it is hereby declared to be the continuing sense of the Con-  
16 gress that the Communist regime in China has not demon-  
17 strated its willingness to fulfill the obligations contained in  
18 the Charter of the United Nations and should not be recog-  
19 nized to represent China in the United Nations. In the  
20 event of the seating of representatives of the Chinese Com-  
21 munist regime in the Security Council or General Assembly  
22 of the United Nations, the President is requested to inform  
23 the Congress insofar as is compatible with the requirements  
24 of national security, of the implications of this action upon  
25 the foreign policy of the United States and our foreign re-

1 lationships, including that created by membership in the  
2 United Nations, together with any recommendations which  
3 he may have with respect to the matter.

4 SEC. 106. The appropriations and authority with respect  
5 thereto in this Act shall be available from July 1, 1959,  
6 for the purposes provided in such appropriations and author-  
7 ity. All obligations incurred during the period between  
8 June 30, 1959, and the date of enactment of this Act in  
9 anticipation of such appropriations and authority are hereby  
10 ratified and confirmed if in accordance with the terms hereof.

11 SEC. 107. None of the funds provided by this Act  
12 nor any of the counterpart funds generated as a result  
13 of assistance under this Act or any prior Act shall be used  
14 to pay pensions, annuities, retirement pay or adjusted service  
15 compensation for any persons heretofore or hereafter serving  
16 in the armed forces of any recipient country.

17 SEC. 108. None of the funds herein appropriated shall  
18 be used to carry out the provisions of Section 205 (1) of  
19 the Mutual Security Act of 1959.

20 SEC. 109. None of the funds herein appropriated shall  
21 be used to carry out the provisions of Section 401 (b) of  
22 the Mutual Security Act of 1959.

23 SEC. 110. None of the funds herein appropriated shall  
24 be used to carry out the provisions of Section 501 of the  
25 Mutual Security Act of 1959.

1        SEC. 111. None of the funds herein appropriated shall  
2   be used to carry out the provisions of Chapter VI of the  
3   Mutual Security Act of 1959.

SEC. 112. None of the funds herein appropriated shall  
be used to carry out the provisions of Section 703 of the  
Mutual Security Act of 1959.

7        SEC. 113. None of the funds contained in this title  
8    may be used to enter into a contract with any person,  
9    organization, company, or concern or any of its affiliates,  
10   who has offered or who offers to provide compensation  
11   to an employee of the International Cooperation Admin-  
12   istration or who provides compensation to any former em-  
13   ployee of the International Cooperation Administration  
14   who has left employment with International Cooperation  
15   Administration within two years from the date of employ-  
16   ment with said person, organization, company, or concern  
17   or any of its affiliates.

18 TITLE II—DEPARTMENT OF THE ARMY—CIVIL  
19 FUNCTIONS

20 RYUKYU ISLANDS, ARMY

## 21 ADMINISTRATION

22 For expenses, not otherwise provided for, necessary to  
23 meet the responsibilities and obligations of the United States  
24 in connection with the government of the Ryukyu Islands,  
25 including, subject to such authorizations and limitations as



1 may be prescribed by the Secretary of the Army, tuition,  
2 travel expenses, and fees incident to instruction in the United  
3 States or elsewhere of such persons as may be required to  
4 carry out the provisions of this appropriation; travel expenses  
5 and transportation; services as authorized by section 15 of  
6 the Act of August 2, 1946 (5 U.S.C. 55a), of individuals  
7 not to exceed ten in number; not to exceed \$3,000 for con-  
8 tingencies for the High Commissioner, to be expended in his  
9 discretion; translation rights, photographic work, educational  
10 exhibits, and dissemination of information, including preview  
11 and review expenses incident thereto; hire of passenger  
12 motor vehicles and aircraft; purchase of three passenger  
13 motor vehicles for replacement only; construction, repair,  
14 and maintenance of buildings, utilities, facilities, and appurte-  
15 nances; and such supplies, commodities, and equipment as  
16 may be essential to carry out the purposes of this appropria-  
17 tion; \$5,282,000, of which not to exceed \$1,633,000 shall be  
18 available for administrative and information expenses: *Pro-*  
19 *vided*, That the general provisions of the Appropriation Act for  
20 the current fiscal year for the military functions of the Depart-  
21 ment of the Army shall apply to expenditures made from this  
22 appropriation: *Provided further*, That expenditures from  
23 this appropriation may be made outside continental United  
24 States when necessary to carry out its purposes, without re-  
25 gard to sections 355, 3648, and 3734, Revised Statutes, as



1 amended, section 4774 (d) of title 10, United States Code,  
2 civil service or classification laws, or provisions of law pro-  
3 hibiting payment of any person not a citizen of the United  
4 States: *Provided further*, That expenditures may be made  
5 hereunder for the purposes of economic rehabilitation in the  
6 Ryukyu Islands in such manner as to be consistent with the  
7 general objectives of titles II and III of the Mutual Security  
8 Act of 1954, and in the manner authorized by sections 505  
9 (a) and 522 (e) thereof: *Provided further*, That funds ap-  
10 propriated hereunder may be used, insofar as practicable, and  
11 under such rules and regulations as may be prescribed by the  
12 Secretary of the Army to pay ocean transportation charges  
13 from United States ports, including Territorial ports, to ports  
14 in the Ryukyus for the movement of supplies donated to, or  
15 purchased by, United States voluntary nonprofit relief agen-  
16 cies registered with and recommended by the Advisory Com-  
17 mittee on Voluntary Foreign Aid or of relief packages con-  
18 signed to individuals residing in such areas: *Provided fur-*  
19 *ther*, That under the rules and regulations to be prescribed,  
20 the Secretary of the Army shall fix and pay a uniform rate  
21 per pound for the ocean transportation of all relief packages  
22 of food or other general classification of commodities shipped  
23 to the Ryukyus regardless of methods of shipment and higher  
24 rates charged by particular agencies of transportation, but  
25 this proviso shall not apply to shipments made by individuals

1 to individuals: *Provided further*, That the President may  
2 transfer to any other department or agency any function or  
3 functions provided for under this appropriation, and there  
4 shall be transferred to any such department or agency with-  
5 out reimbursement and without regard to the appropriation  
6 from which procured, such property as the Director of the  
7 Bureau of the Budget shall determine to relate primarily to  
8 any function or functions so transferred.

9 CONSTRUCTION OF POWER SYSTEMS, RYUKYU ISLANDS

10 For expenses necessary for the initiation and completion  
11 of construction, installation, and equipment of electric power  
12 systems in the Ryukyu Islands, which shall be operated by  
13 the Ryukyu Electric Power Corporation, an instrumentality  
14 of the United States Civil Administration of the Ryukyu  
15 Islands; services as authorized by section 15 of the Act of  
16 August 2, 1946 (5 U.S.C. 55a) ; and hire of passenger  
17 motor vehicles and aircraft; \$18,000,000, to remain avail-  
18 able until expended, without regard to sections 355 and 3734  
19 of the Revised Statutes, as amended, and title 10, United  
20 States Code, section 4774.

21 TITLE III—EXPORT-IMPORT BANK OF  
22 WASHINGTON

23 The Export-Import Bank of Washington is hereby  
24 authorized to make such expenditures within the limits of  
25 funds and borrowing authority available to such corporation,

1 and in accord with law, and to make such contracts and  
2 commitments without regard to fiscal year limitations as  
3 provided by section 104 of the Government Corporation  
4 Control Act, as amended, as may be necessary in carrying out  
5 the programs set forth in the budget for the fiscal year  
6 1960 for such corporation, except as hereinafter provided:

7 LIMITATION ON ADMINISTRATIVE EXPENSES, EXPORT-  
8 IMPORT BANK OF WASHINGTON

9 Not to exceed \$2,500,000 (to be computed on an  
10 accrual basis) of the funds of the Export-Import Bank  
11 of Washington shall be available during the current fiscal  
12 year for administrative expenses of the Bank, including  
13 services as authorized by section 15 of the Act of August 2,  
14 1946 (5 U.S.C. 55a), at rates not to exceed \$75 per diem  
15 for individuals, and not to exceed \$9,000 for entertainment  
16 allowances for members of the Board of Directors when  
17 specifically authorized by the Chairman of the Board; and,  
18 in addition, not to exceed the equivalent of \$200,000 of  
19 the aggregate amount of foreign currencies made available  
20 to the Export-Import Bank for loans pursuant to the Agri-  
21 cultural Trade Development and Assistance Act of 1954, as  
22 amended, shall be available during the current fiscal year  
23 for expenses incurred by the Export-Import Bank incident  
24 to such loans: *Provided*, That fees or dues to international

1 organizations of credit institutions engaged in financing  
2 foreign trade and necessary expenses (including special  
3 services performed on a contract or fee basis, but not  
4 including other personal services) in connection with the  
5 acquisition, operation, maintenance, improvement, or dis-  
6 position of any real or personal property belonging to the  
7 Bank or in which it has an interest, including expenses of  
8 collections of pledged collateral, or the investigation or  
9 appraisal of any property in respect to which an application  
10 for a loan has been made, shall be considered as nonadmin-  
11 istrative expenses for the purposes hereof.

12       This Act may be cited as the "Mutual Security Appro-  
13 priation Act, 1960".



80TH CONGRESS  
1ST SESSION

**H. R. 8385**

[Report No. 712]

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# **A BILL**

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Making appropriations for Mutual Security  
and related agencies for the fiscal year end-  
ing June 30, 1960, and for other purposes.

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By Mr. PASSMAN

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JULY 24, 1959

Committed to the Committee of the Whole House on  
the State of the Union and ordered to be printed





July 28, 1959

(127)

national railroad freight car supply; S. 1845, relating to patents; and S. 1855, increase in acreage for mineral leases in Alaska. pp. 13206-7

### HOUSE

14. ACREAGE ALLOTMENTS; COTTON. The Agriculture Committee reported with amendment H. R. 7740, to provide for the preservation of acreage history and the reallocation of unused cotton acreage allotments (H. Rept. 728). p. 13282
15. VETERANS' LOANS. The Veterans' Affairs Committee reported without amendment H. R. 7903, to extend the veterans' guaranteed and direct loan program for two years (H. Rept. 726). p. 13282
16. LANDS; MINERALS. The Interior and Insular Affairs Committee reported the following bills: H. R. 6939, with amendment, to amend the act providing for the leasing of coal lands in Alaska in order to increase the acreage limitation in such act (H. Rept. 716); and H. R. 5849, without amendment, to modify conditions under which Alaska may select lands made subject to lease, permit, license, or contract (H. Rept. 725). p. 13282
17. LAMB GRADING. Rep. Roosevelt commended the Secretary "on his recent decision to retain Federal grading of lamb," and stated that he hoped "that in the future grade standards could be revised to the satisfaction of those concerned without proposing anything as drastic as the abolition of a protection as important as the Federal grading on meat." p. 13271
18. INFORMATION; RESEARCH. Rep. Daddario commended the action of the conferees on the Independent Offices appropriation bill in restoring funds for the translation and dissemination of scientific information and for a study for a National Institute for Atmospheric Research. p. 13272
19. VETERANS' BENEFITS. Rep. Wolf inserted a letter by a college professor favoring enactment of S. 1138, to provide veterans' benefits to those who serve in the Armed Forces between Jan. 31, 1955, and July 1, 1963. p. 13279
20. MUTUAL SECURITY. Began and concluded debate on H. R. 8385, the mutual security appropriation bill for 1960. The final vote was delayed until today (July 29). pp. 13210-68

Rejected the following amendments: (1) by Rep. Alexander, to reduce advances to the Development Loan Fund from \$550,000,000 to \$500,000,000 (pp. 13250-2); and (2) by Rep. Dowdy 53 to 125, to provide that no mutual security appropriations shall be expended if such expenditure will increase the public debt (pp. 13254-5).

A point of order by Rep. Passman on an amendment offered by Rep. Flynt was sustained on the ground that it was legislation on an appropriation bill. This amendment would have provided that no mutual security appropriations could be expended until Congress, by concurrent resolution, found that budget receipts exceeded estimated expenditures, and if not, the appropriations would be reduced accordingly. p. 13254

Rep. Rhodes, Ariz., stated that "another matter requiring long-range planning is that of local currencies. Many of these programs generate local currencies. Public Law 480 generates foreign currencies. It was said in the committee that if this is continued we are going to be 'up to our ears in rupees'" (p. 13235). Reps. Passman and Curtis discussed the large amount of foreign currencies (part of which generated by Public Law 480) on hand (p. 13244).



The bill includes \$550,000,000 for advances to the Development Loan Fund. \$181,500,000 for technical cooperation programs, and \$2,300,000 for the payment of ocean freight charges to move supplies donated to and by American voluntary agencies. Concerning cash grants and loans financed from economic funds, the committee report raises the question as to "whether our foreign policy objectives could not be equally served by the supplying of commodities and services rather than by the use of such cash transactions."

21. WILDLIFE. The Subcommittee on Fisheries and Wildlife Conservation of the Merchant Marine and Fisheries Committee voted to report to the full committee two bills: (1) H. R. 2565 (amended); to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations; and (2) H. R. 7045, to authorize the establishment of the Arctic Wildlife Range, Alaska. p. D677
22. FOREIGN CURRENCIES. The "Daily Digest" states that conferees agreed to file a conference report on H. R. 5674, to authorize the construction at military installations, including the use of foreign currencies under Public Law 480 for foreign military housing construction. p. D678

ITEMS IN APPENDIX

23. FARM PROGRAM. Extension of remarks of Sen. Johnson stating that "... the development of effective and realistic farm programs is important to us in one way -- the preservation of the family-size farm," and inserting an editorial, "Top Future Farmer." p. A6487
- Extension of remarks of Sen. Bridges discussing the farm problem, stating that "the situation is apparently going to get worse before it gets better," and inserting an editorial, "Dilemma." p. A6490
- Reps. Bentley and Jonas inserted results of opinion polls including issues on the farm program. pp. A6493, A6528-9
- Rep. Derounian inserted an article, "The Egg In Politics." p. A6517
- Extension of remarks of Rep. Schwengel inserting an Iowa Farm Bureau Federation's letter to this Department and stating that it outlined "some of the misconceptions which are prevalent about the subsidization of agriculture and the benefactors of these subsidies." pp. A6522-3
- Rep. Multer commended and inserted an article, "What Makes the Farm Problem?" pp. A6531-3
- Extension of remarks of Rep. Levering inserting an article discussing various public issues including the problem of surpluses and farm prices. pp. A6537-8
24. FORESTS; ALASKA. Extension of remarks of Sen. Bartlett inserting an article, "Eighty Percent of Alaska's Forests Burned; Little Protection." p. A6491
25. FOREIGN AFFAIRS. Sen. Monroney inserted an address by Sen. Gore favoring the establishment of a Foreign Service Academy. pp. A6499-501
26. SMALL BUSINESS. Rep. Patman inserted Rep. Roosevelt's speech discussing the problems of small business in the food industry. pp. A6502-3
27. DAIRY INDUSTRY. Extension of remarks of Rep. Westland inserting an article, "Big Changes Coming In Dairying." p. A6506
28. COTTON. Rep. Hemphill inserted an article urging relief for the textile industry. pp. A6508-9



The Clerk read the Senate amendments, as follows:

Page 6, line 8, after "11st," insert:

"Of the officers considered but not recommended for continuation on the active list the board shall further report the names of any officers whose performance of duty would not warrant retention on the active list under any circumstances. Each board shall certify in its written report that in the opinion of two-thirds of the acting members of the board, based on the information available to the board, the performance of duty of each such officer whose name is so reported would not warrant retention on the active list under any circumstances."

Page 8, line 11, after "grade," insert "and whose name has not been reported in the approved report of a board in compliance with subsection 1(h) of this Act,".

Page 8, line 12, strike out all after "pay," down to and including "concerned;" in line 14 and insert "a lump-sum payment of \$2,000, effective on the date of his retirement."

Page 8, strike out all after line 14 over to and including line 12 on page 9.

Page 9, line 19, strike out all after "Act," down to and including 23.

Page 13, line 4, strike out [1970] and insert "1965".

Page 13, after line 4, insert:

"SEC. 9. (a) Chapter 561 of title 10, United States Code, is amended—

"(1) by repealing section 6150; and

"(2) by striking out the following item in the analysis:

"'6150. Higher retired grade for retired officers specially commended."

"(b) This section becomes effective on November 1, 1959."

Page 13, after line 4, insert:

"SEC. 10. (a) Chapter 11 of title 14, United States Code, is amended—

"(1) by repealing sections 239 and 309, and

"(2) by striking out the following items in the analysis:

"'239. Retirement in case of special commendation.

"'309. Retirement in case of special commendation."

"(b) This section becomes effective on November 1, 1959."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALLECK. Mr. Speaker, reserving the right to object, would the gentleman explain these amendments? As I understand it, this has been cleared with the minority members of the committee.

Mr. KILDAY. That is correct.

Mr. Speaker, this is a bill which was before us a number of weeks ago under a rule and was fully debated at that time. It is legislation to enable the Navy and the Marine Corps to remedy the hump of officers which now exists in those two services.

The bill relates only to Regular officers of the Navy and the Marine Corps, and it relates only to commanders and captains of the Navy and lieutenant colonels and colonels of the Marine Corps. As to those two grades, a man who has completed 20 years of service and holds the grade of commander or lieutenant colonel may remain on active duty for a period of 26 years. If he has 20 years' service and holds the grade of colonel in the Marine Corps or captain in the Navy he will remain on duty for a period of 30 years. Conditions prevailing in those

two services prevent the promotion of other junior officers to these higher grades.

The Senate amended the bill in three particulars. First, the House version would have had the bill expire on June 30, 1970. The Senate version causes the bill to expire on June 30, 1965. So instead of 10 years it would be for a period of 6 years.

Second, the House bill contained a provision under which the officers selected for retirement would have been paid at the rate of 2 months' base pay for each year of duty unserved with respect to the 26 and 30 years of service I mentioned. The Senate has changed that to make it a flat, lump-sum readjustment payment, to all persons retired under this provision, of \$2,000, regardless of rank or years of service, if serving in the grade affected.

The third amendment has to do with a provision of law which has been in existence since shortly after World War I under which officers of the Navy and Marine Corps and Coast Guard who have combat citations or commendations in their records, when retired, would be retired at one grade higher than the grade actually held. The Senate provision repeals that whole section of law effective November 1, 1959.

In the Pay Act of 1949 the Committee on Armed Services recommended, and the Congress approved, a provision under which those officers no longer could draw maximum pay at the higher grade. In 1947 we changed the law so that the provision would phase out, in that the promotion would apply only in the event that the commendation was for an act performed prior to 1947.

Those are the amendments adopted in the Senate.

Mr. HALLECK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### CORRECTION OF ROLL CALL

Mr. BURKE of Massachusetts. Mr. Speaker, on roll call No. 117 I am recorded as not voting. I was present and voted "yea." I ask unanimous consent that the Journal and permanent Record be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, on roll call No. 112, July 21, I am not recorded. I was present and answered to my name. I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### LETHARGY IN CONGRESS

(Mr. WILSON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. WILSON. Mr. Speaker, there is so much construction going on around the Capitol, I am beginning to wonder if we are going to have it finished in time for the inauguration. Also, I am concerned because there does not seem to be much progress on the major legislation that this Congress is going to have to pass if we are to get out of here before Christmas. As long as we are not asked to take action on the bills that the country is waiting for, I would like to suggest that we form a volunteer work force and pitch in to help the contractors put the Capitol back together again. Many of us in Congress are able bodied, and undoubtedly the labor unions, which are in no particular hurry to see a labor bill become law, would be glad to give us honorary or temporary union cards so we could go to work. There must be something we can do for the good of the country if we are not going to be voting on the legislation that is piling up here.

#### "GENE" KINNALLY

(Mr. LANE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. LANE. Mr. Speaker, all of us are indebted to the able, diplomatic, and hard-working members of our staffs.

I am constantly surprised by their knowledge of the intricate network of Federal agencies. With time-saving skill and tact, they are able to cut through red tape in order to be of service to our constituents.

There is no better way to recognize their key role in the functioning of our Government than to single out for special praise the veteran secretary and right-hand man for Majority Leader JOHN W. McCORMACK, Eugene T. Kinnally.

I have seen him handling several telephone calls at the same time, switching back and forth, and at the same time making progress on the preparation of a written statement on a complex issue, with unruffled calm.

I believe that he was born with the courteous disposition and the retentive memory that works best when under pressure.

Many a Member, frustrated by an important constituent, or by some vexing legislative problem, has found the answer to his problem and has been relieved of his anxiety, simply by calling "Gene."

He first won his spurs as secretary to the late Congressman James A. Gallivan, of Massachusetts, with whom he was associated for 10 years.

In the 31 years since then, he has been the confidant and the executive secretary for the Honorable JOHN W. McCORMACK.

This is a remarkable record of service in point of time, but less remarkable than the enduring character of Eugene T. Kinnally, who gets so much accomplished in



the friendly manner that makes such a favorable impression on all those who seek the advice and help of our majority leader.

A sincere and devoted communicant of his religious faith, he brings to his daily work the spirit of charity and humility that have earned for him the respect and affection of the thousands who are privileged to know him.

Congratulations, "Gene" Kinnaly, on the 41st anniversary of your meritorious service to the Members of Congress, and to their staffs.

We salute you as "The All-American Congressional Secretary."

#### CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MILLS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 118]

|              |               |          |
|--------------|---------------|----------|
| Albert       | Fogarty       | Morrow   |
| Auchincloss  | Forrester     | Mitchell |
| Blitch       | Gallagher     | Moorhead |
| Brooks, La.  | Goodell       | Moss     |
| Buckley      | Griffin       | Pillion  |
| Canfield     | Hiestand      | Powell   |
| Celler       | Hoffman, Ill. | Rabaut   |
| Davis, Tenn. | Horan         | Taylor   |
| Dawson       | Kilburn       |          |
| Dooley       | Loser         |          |

The SPEAKER. On this rollcall, 402 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

Mr. PASSMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes; and, pending that motion, I ask unanimous consent that general debate be limited to not to exceed 3 hours, to be equally divided and controlled by the gentleman from New York [Mr. TABER] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8385 with Mr. MILLS in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. Under the consent agreement the gentleman from Louisiana

[Mr. PASSMAN] will be recognized for 1½ hours and the gentleman from New York [Mr. TABER] for 1½ hours.

The Chair recognizes the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I yield myself such time as I may require.

The bill before the Committee is a request for appropriations for the mutual security program for the fiscal year 1960. This bill is the culmination of long and tedious hearings, which cover 1,781 printed pages, the most comprehensive ever conducted by the subcommittee handling this bill. But if the committee could have included all the classified and secret testimony the hearings would have been considerably more detailed, informative, and voluminous. I do not agree with the policy of the Executive that many of the most pertinent parts of the justification are marked "classified" and "secret," but I shall necessarily of course, abide by the rules as they are applied.

The complexity of this huge and uncoordinated program makes it very difficult for even the most astute and dedicated members of the subcommittee to understand, much less those who have not had the time to study it carefully because of the demands of their own committee work. It is extremely difficult to become familiar with the many details, the multitude of programs within programs embodied in the complicated total program.

I should like to read from page 1 of the report accompanying the bill:

Estimates of appropriations requested to finance the mutual security program in fiscal year 1960, contained in House Document No. 188, dated June 26, 1959, total \$3,929,995,000. Language was also included in the same document requesting the reappropriation of all unobligated balances remaining available on June 30, 1959. In addition, the committee considered a request of \$6,282,000, to finance the costs of administration of the Ryukyu Islands, and a request of \$2,500,000 as a limitation on the administrative expenses of the Export-Import Bank of Washington. The latter two items are contained in the President's budget on pages 565 and 146 respectively.

An additional estimate of \$500 million for the 1961 program of the Development Loan Fund was received on July 24, 1959, in House Document No. 205.

The accompanying appropriation bill for fiscal year 1960 includes new appropriations of \$3,185,500,000 for the mutual security program and \$23,282,000 for the Ryukyu Islands, a total of \$3,209,782,000.

Mr. Chairman, this year's request was the largest ever made for an appropriation for the mutual security program.

The total reduction made from the requests by the Appropriations Committee is \$1,226,495,000. The actual appropriations reduction from the original authorization amounted to \$390,585,000. In addition thereto, the committee unanimously rejected the President's request for an additional \$500 million for the Development Loan program.

I want to deal briefly with some of the amounts and what will be available in the fiscal year 1960 for the mutual security program.

Let us consider the military assistance program. At the close of business on June 30, 1959, the Department had \$2,-

576,077,801 on hand unexpended. With the \$1,300 million recommended by your committee, that gives the Department \$3,876,077,801 available for expenditure from new and old appropriations for this category.

In addition to the huge amount of almost \$4 billion, this Department has available also \$47 million that they will recover from the sale of military equipment during the fiscal year 1960. That amount should be added to the figure I just mentioned. I might also state that the committee is recommending that you reappropriate \$16 million, and in addition to that amount there is another \$21 million for the program from military sales receipts.

If you will refer to the report, you will find that, in addition to the items mentioned, there is available \$1½ billion in local or foreign currencies that can be plowed back into this program.

This, I think, should be brought to the attention of the committee and those who feel the committee has made a cut too much below the needs of the Department for the military program: At one time there was \$15,100 million unexpended in the aid program, the amount of \$10,400 million in military alone. We have through the years been shipping out billions of dollars worth of equipment to these foreign nations, through this military assistance program, knowing that we were not at war and, in all probability, the equipment was accumulating in the recipient countries.

I thought it proper to get a letter from the Defense Department indicating the current usability percentage of the equipment which had been sent to the various sections of the world. I should like to read into the RECORD a letter relative to that matter, dated June 27, 1958, as follows:

DEAR MR. CHAIRMAN: You may recall that I reported to you that I had requested the Military Assistance Advisory Groups in the Near East to assist me in arriving at an estimate of the percentage of equipment delivered since the beginning of the military assistance program to Near East countries that is currently available and serviceable for combat.

I now have the information from the Military Assistance Advisory Groups and have arrived at an estimate of 92 percent. This figure was derived as a weighted average on information from Iraq, Iran, Greece, Turkey, and Pakistan. Within each country, the estimates were developed from separate data for ships, aircraft, tanks and combat vehicles, motor transport vehicles, weapons, and electronic and other equipment.

So, of all the billions of dollars of materiel we have given to the nations, it is indicated that 92 percent of it is on hand and available for use in an emergency, at least so in the Middle East. Please take that fact into account before criticizing the committee for making a relatively small reduction in the program for this year.

The next item, "Defense support," is purely and simply economic aid. It is a misnomer to say this is for defense support. It is economic aid being given to countries which may be supporting a military unit. On June 30, the Department had \$798,778,000 on hand unex-



pendent in this category. The committee this year is recommending an additional \$700 million for defense support, which will give a total of \$1,498,778,000. We reduced that request by only \$50 million.

If you refer to pages 940 and 941 of the hearings, you will find that, through this category, we are allowing them to spend money for defense support and projects in other countries that we would not think of letting anyone start in this country under any circumstances. There are 113 different types of these projects listed on pages 940 and 941 of the hearings.

There is, of course, a Development Loan Fund, and I should go into that item briefly. You know and I know that these are not loans at all. The title applied to this Fund is misleading to the American people.

In the Development Loan Fund as such, the total of appropriations made up to the time of the consideration of the bill before you has been \$850 million. The department heads say that 80 percent of these so-called loans will be repaid in local currency and 20 percent will be repaid in dollars. Of the 20 percent to be repaid in dollars, a major portion will come back, if at all, in dollars simply because the currency of the countries to which we are making the loan is at the time of repayment on a par with the American dollar.

Let us look at the local currency feature of this development loan program. We make a so-called loan to these so-called underdeveloped countries, and enter into an agreement with the countries that the loan may be paid back in local currency. But we agree that we will not spend the local currency in that country for anything that we can bring out of the country, and that we cannot take any part of the local currency and buy something in some other country to be brought into this country. So, if we cannot spend the money for anything, how can we call it a loan?

In addition, we have on hand \$2.5 billion of local currency. That is the amount already credited on the books, over and above any that we may get back under the development loan.

Here is a report on one feature of this matter by Mr. Benjamin Fairless, the President's coordinator for a study of the program only 2 or 3 years ago:

In our view loans by the United States repayable in the inconvertible currencies of foreign nations are undesirable, and the practice of granting them should be terminated. Our relations with other countries will suffer from U.S. control of large amounts of their currencies. The soundness of the loan device should not be jeopardized by inviting repayment in foreign currencies which cannot be freely spent by the United States.

Similarly, the validity of international contracts should not be undermined by the granting of loans in circumstances in which there is grave doubt as to the ability of the borrower to repay. We recognize, however, that there will be cases in which it is in the interest of the United States to make dollar loans on more liberal terms than those of the established public banks with respect to interest rates and periods of repayment.

Mr. Chairman, it is a fact that there are many types of lending agencies in

this country for loans abroad. A new one was created just yesterday, notwithstanding the fact that we have \$2.5 billion already on hand in foreign currencies; yet we propose now to continue building up through another agency additional billions of dollars in foreign currencies.

I repeat that money from the Development Loan Fund is not a loan; it is another scheme to get money, labeled a loan, and therefore makes it easier for the Congress and the people to go along with it.

Earlier this year there was a supplemental request of \$150 million for the Development Loan. But I want to report to you now that on June 30 the Fund had \$225 million on hand, unobligated, although it was claimed a substantial portion of the money was committed.

Now, I want to go into one other item, and that is development assistance. We have not had an appropriation for that item for many years. At present, however, there is on hand \$96,579,000 in the development assistance category. It has been available for years, yet remains obligated but unexpended. I cannot tell you for what it is obligated.

For special assistance on June 30 \$161,678,000 remained unexpended. The committee recommends an additional \$200 million, which makes a total of \$361,678,000, a reduction of \$47.5 million from the authorization.

The President's Asian fund, on June 30, had a net of \$85,986,000. We do not know for what this is obligated, but they say it is obligated.

Now, to the President's contingency fund. On June 30 the net amount in this fund was \$143,426,000. The President's request this year was for \$200 million. There was a difference of opinion between the two bodies as to how much the fund should receive, so a compromise was reached, with the recommendation of \$155 million. Inasmuch as this is the President's contingency fund, your committee is not recommending any reduction. Rather we are recommending that you allow the President the \$155 million authorized. That will total \$298,426,000 of funds on hand.

The item for "Technical cooperation" is somewhat embarrassing. Last year, the Department came down and said that \$142 million was needed for this category. But the Congress said, "We think you should have more money." So the appropriation was \$150 million. They doubtless tried hard to obligate the additional money that Congress appropriated, and which was not requested, but they could not do it. So they came back this year and said, in effect, "Frankly, we can only obligate \$146 million, and \$4 million is going to lapse." But do you know what happened next? The officials of the Agency came in this year said, "On account of the action of the Congress last year, we had better ask you for \$179,500,000."

Your committee felt, however, that as they could not obligate the money we gave them last year, and as Mr. Dillon himself had said, in substance, "If we were presently revising this program we

would have to revise it downward, and we do not need \$179,500,000," and, as they could spend only \$146 million last year, we should recommend \$150 million and reappropriate the \$4 million, in round figures, which would give them \$8 million more than was available last year.

Mr. Chairman, let me indicate how some of these things come about. I am speaking here not for the committee, but only for the Chairman of the subcommittee. I invite your attention to a copy of a telegram that I just sent out, which was in response to a telegram I had received from the League of Women Voters. The members of the League are outstanding citizens, but they are not necessarily especially expertly informed as to the details of the needs and the operations of this program. I respect the League and its contributions to good government. But I sent this telegram today in response to one which I had received "deploring" my stand as chairman of the subcommittee:

JULY 28, 1959.

Mrs. CHARLES CRAWFORD,  
President, League of Women Voters,  
New Orleans, La.:

Retel: Development Loan Fund and Technical Cooperation. Aren't you perhaps being presumptuous to place your limited knowledge of this complicated program ahead of those who have studied it carefully for twelve years and held hearings this year for several weeks, with more than one million words of testimony? Furthermore, officials state that last year Congress appropriated more money for technical aid than was requested or could be used. This embarrassing predicament was brought about by the committee following the advice of those who had relatively meager knowledge of the program or its needs. Officials now admit that they requested too much money for the technical aid program for fiscal 1960. I respectfully suggest that you would be more effective if you would request consideration of your opinion rather than putting your recommendations in the form of a demand in a complex program such as this one.

OTTO E. PASSMAN,  
Member of Congress.

We have been building up this "Technical aid" activity by \$10 million, \$15 million, \$20 million each year. Therefore, I say frankly that I do not intend, personally, to be forced into unsound actions as a result of outside influences and pressures, regardless of the good intentions of those making these recommendations.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I am delighted to yield to the majority leader.

Mr. McCORMACK. The Committee and the entire Congress know that I am one of the strongest supporters of the mutual security program and the bills which are brought in to support that program, both the authorization bill and the appropriation bill. I have been one of the strongest supporters of this program that has ever served in the Congress.

I might say that years ago, when this bill first came up, some people were talking about the program lasting 1 or 2 years. I took the floor and said that this was going to be a program that would have to be continued for many



years, in the world of today, with the tensions that were created by the Kremlin. As one of the strongest supporters of this type of legislation, of both the authorization and appropriation bills, I want to compliment my friend, the gentleman from Louisiana. While he has been opposed to this program, as the chairman of the Subcommittee on Appropriations, he has eliminated his personal feelings on the authorization legislation and has always discharged the trust that was his with responsibility as chairman of the Subcommittee on Appropriations. I think that he and his subcommittee have brought out a bill today with a total of about \$390 million less than the authorization bill that passed the House, and I want to say frankly to my friend that I expected the reduction would be more.

I want to say to my friend that his leadership, with the cooperation of the members of his subcommittee, in reporting out the bill in the amount I have mentioned, is something that is not only refreshing, but will give an effective vehicle to the President, the Department of State, and the various other agencies charged with administering this law and spending the money to further the cause of freedom throughout the world and combat the sinister efforts of communism.

I should like to state to my friend that I thoroughly support the entire bill that has been reported out, with the amounts involved in it. I shall oppose any efforts to reduce and I shall oppose any efforts to increase.

I may say, again, that this bill, after it has passed the House, will go to the other branch of the Congress and the final result will be known when it comes out of the Congress.

Mr. Chairman, my purpose in rising particularly was to compliment the chairman of the subcommittee and the members of his subcommittee for bringing in what I consider to be a very effective bill and one that I hope the House will support as reported.

Mr. PASSMAN. I thank the distinguished majority leader for his compliment. I would state that up until such time as the Congress passes the authorization bill, I support PASSMAN's views on this matter. Subsequent to that action, I support the views of the Committee on Appropriations. What we do is to provide what we believe to be adequate funds to carry out the program's authorized commitments, whether or not we personally agree with the soundness of those commitments. And, quite frankly, I am not in agreement with the soundness of many of them.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the distinguished gentlewoman.

Mrs. CHURCH. I would like to pay my own tribute to the earnest dedication of the gentleman. I am a little bit disposed, however, as a member of the League of Women Voters for over 30 years, rise to its defense, although admittedly the members need no defense. I merely wish to say to the gentleman that I am sure that the telegrams and

letters that have come have been inspired merely by zeal and from an honest consecration to a cause on which the Members hold strong convictions. I hope that the gentleman will, if he can, supply figures to prove that their estimates are wrong, and relieve them of their sincere fears.

There are many others beside league members who regret that it has been necessary to cut the appropriation for the Development Loan Fund and the technical assistance program. I shall rely on the gentleman to show why he thinks such cuts are justified. I should like to say again that the League of Women Voters is an organization dedicated to good citizenship and studious attention to Government problems. It seeks to make its recommendations always on a nondiscriminatory, fair, and sound basis.

Mr. PASSMAN. I thank the gentleman. I have sincere appreciation for the League of Women Voters. But, at the same time, I would be much more appreciative of counsel and suggestions, than of demands that are not based on an intimate knowledge of the detailed and complex facts. There is no denying that well intentioned organizations have had a tremendous effect in loading this bill with billions of dollars that the program did not need.

Mr. AVERY. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield.

Mr. AVERY. I thank the gentleman for yielding. I have not asked the gentleman to yield to make any further comment on the colloquy between the gentleman from Louisiana and the gentleman from Illinois, but I would simply ask the gentleman as he moves along section by section under the various titles, if he would tell us the amounts authorized in the various sections rather than referring to the budget request because the budget request simply confuses the issue at this point, and it would be helpful to the Members if the gentleman would tell us the amount that has been authorized in the various sections.

Mr. PASSMAN. I shall explain the bill as briefly as I can; and when I complete my remarks, I will insert a summary in the RECORD indicating the amounts of the budget request and the authorization, as well as the amounts that the authorizing committee cut and the amounts that this committee cut.

Mr. Chairman, I served under the tutorship of our colleague the gentleman from Virginia [Mr. GARY] for 2 years before I became the chairman of the Foreign Operations Appropriations Subcommittee. It was Mr. GARY's idea, and also the idea of other Members, to reduce this bill to the actual needs, and not to continue to wastefully build it up. May I add that I concur completely with that intent and purpose.

On July 1, 1953, the mutual security program had been expanded to such a point that the total unexpended funds on hand amounted to \$15,125 million.

This committee in fiscal 1956 worked that down to \$6,360 million.

The following year the unexpended total was reduced to \$6,124 million.

On June 30, 1956, it had been brought down to \$5,256 million.

On June 30, 1959, the unexpended funds had been reduced to \$4,871 million.

So we are actually bringing the program under control. We are getting it down now to a point that we can look at it and ascertain something about the expenditures and the needs.

Taking the bill before you, and using round figures, approximately \$3,200 million is called for in military construction and overseas maintenance, and in the defense budget approximately \$1,200 million. Under Public Law 80, there is an additional \$1 billion. The interest on the \$82 billion which we have given in foreign aid since World War II amounts to about \$3,100 million annually. Therefore, the total cost of the foreign aid program is not the bill before you, but with all of the other segments in it, the total of the foreign aid bill now costs the American taxpayers \$8,500 million annually.

Mr. Chairman, if the committee supports the recommendations of the subcommittee, then the actual reduction from the President's request for mutual security funds for the past 5 years, including fiscal year 1960, will exceed \$4 billion. During the last 4 fiscal years, the Congress reduced the President's request by \$2,860 million. But, nevertheless, the program was not damaged thereby; it was improved.

We are recommending a total reduction of \$1,243 million below the requests for the fiscal year 1960.

Of that total, \$500 million represents the additional request for the Development Loan Fund, plus the \$390,185,000 reduction below the Congressional authorization.

I think this fact should now be brought to the attention of the committee: There are only 87 nations in all the world. They are putting down some other little new nations, with very small populations, so as to save face; but, of established nations, there are 87. Minus the donor nation, the United States, the total is 86. This program since World War II has reached into 76 nations.

There are only 10 nations on the face of the earth that have not received aid from this program, and I am going to insert at a later point in the RECORD a tabulation of this information.

I want also to indicate for the record that the 67 so-called free nations of the world have a total public debt of \$185,526 million. Adding to that the entire Soviet bloc with a public debt of \$50,971 million, the total for all the nations of the world, excluding the United States, is a public debt of \$236,457 million.

Our public debt, on the other hand, using the June 30 round figures, was \$285 billion. So here we are, one Nation, with a public debt exceeding the consolidated public debts of all the other nations of the world by \$48,543 million.

Somebody will come back and say: "Oh, yes, but look at the gross national product." Recent figures of the gross national product of the United States placed it at \$441,700 million. There were some upward adjustments only a



few days ago, but that figure will suffice for our illustration.

If the same price values, the American standards, were applied to the gross national produce of the other nations of the world, their gross national product would exceed \$3 trillion.

Mr. Chairman, are we actually pricing ourselves out of the world market? I quote from the U.S. News & World Report, page 29, of June 29, 1959:

Trying to sell abroad: India wanted to buy generators for producing electricity, and preferred to buy in the United States. India found that it could buy West German generators of 75,000-kilowatt capacity for exactly the same price as 50,000-kilowatt generators in the United States. Germany got the business. India explains that it finds U.S. prices out of line.

We give them the money, but they will not spend it with us because they say our prices are too high.

I call attention to another item in the U.S. News & World Report of June 29, 1959; page 25:

United States, generous with its gifts, has piled up \$16 billion in hands of other countries. The pile grew by \$3.4 billion in 1958. It's growing in 1959. Dollars owned abroad will be a problem if turned into gold and taken out of United States in a big way. United States may find that it's trying to do too much.

Mr. Chairman, I shall support the bill before the committee, but I would be remiss in my duties to this great body if I did not insert in the RECORD for the information of the membership certain pertinent data with respect to over-programming and haphazard operations with regard to our foreign aid program. The record is replete with examples of mismanagement. I shall call attention to but a few. As a matter of fact, these instances could be multiplied over and over and over again.

One country in the Middle East has 271 Americans attached to the mission, some with families, some without. The mission carries on its inventories 229 passenger automobiles. Also, 529 refrigerators. Now, mind you, 271 American personnel, and 529 refrigerators, and 650 stoves and ranges. They could have one in the kitchen and one in the living room, and still have some left over. Also, 669 air conditioning units. I refer to page 418 of our subcommittee's hearings for the documentation.

For another item, the leader of a small country took a liking to modern jet fighters. He said, in effect, "I want a dozen of them."

We said, "No."

He said, "Yes."

And he got the fighters.

The country to which I am referring has no more business with those jet fighters than a hog has for a sidesaddle, and we know it.

Another item, where the country made us look ridiculous, and the Department heads admit it: We gave them \$40 million of military equipment, and this country said, figuratively: "Inasmuch as we do not accept grant aid, we want you to pay for the 40-odd-million dollars of equipment; but we believe that \$2 million worth of our local currency would be an adequate payment."

We bought the deal, and that is the record.

In another country it has been established that in many instances when our supplies were placed on the docks, 25 percent of the supplies were stolen before they left the dock, and another 25 percent of the supplies were stolen before they reached the depots for storage.

In another instance the head of the government ordered certain supplies for military use, and this was turned over to a public housing unit for use. The President turned down public housing in this country, but we permit them to build this public housing unit over there.

Here is an example of the technique of overpriced commodities and falsifying invoices, and this, too, is from the record: They bought commodities for \$162,000—that is, the ICA did—value, \$20,000. Sewing machines, ICA paid \$3,500; regular price, \$1,000. Sawmill equipment, ICA paid \$42,000; the regular price was \$12,000. So, for these three items alone, the ICA paid out \$207,500 for equipment, for which the actual invoice should have been \$33,000.

I want to give you another example of what trading and pressure will do in this complicated bill. In the case of the Atomic Energy Commission, Mr. Vance came before the committee and he said, substantially: "We want money for the atoms for peace project." That is another misnomer. The project is a form of economic aid through which we finance certain types of reactors. This program had \$5,500,000. They came up here, and we said, "We can allow you only \$5,500,000."

They came back this year and asked for \$6,500,000 more. We turned to the record and discovered they had on hand for Atoms for Peace unobligated funds in the amount of \$2,101,000. So your committee recommended an additional \$1,500,000, plus the reappropriation of \$2,101,000, which gives them more money than they had last year.

So this fine American taxpayer and executive came before our committee, and from page 1496 of the hearings I quote the following colloquy:

Mr. PASSMAN. I hope the honorable commissioner will pardon me when I pose the same question to him that I did in 1958:

"Would you approve if this committee and the Congress should appropriate money for all departments to the amount of about \$74 billion a year, on the basis of the type of justification you have made this morning?"

"Would not you feel a bit uncertain that we did not require agencies to justify their programs?"

"Mr. VANCE. Yes, sir; you are very right."

Would you care to comment?

Mr. VANCE. The same answer as in 1958, sir.

Mr. PASSMAN. I want to thank you very kindly for being just as forthright now as you were then. Your answer was: "Yes, sir; you are very right."

Mr. Chairman, your committee has worked very hard every year, and when we continue trying to bring this program under control we are accused of having wrecked it. May I state for the information of any who feel we have cut the bill too much that on June 30, 1956, they had on hand \$338,000,000 unobligated. That is an indication that they had far

more money than they need. The following year, on June 30, 1957, they did even better. They finished the year with \$764,249,000 on hand unobligated. The next year they fortified themselves with certain new bureaucrats, and they came down with the story that we wrecked them the year before, and if they did not receive more funds they would be wrecked again.

But this calendar year, on June 30, 1959—the close of fiscal year 1959—they had \$2,684,000 on hand unobligated.

The committees of Congress must continue to scrutinize very carefully these requests for new funds. We must make it the practice to appropriate funds on the basis of need and justification, rather than, for example, the threat of a special session of Congress.

May I point out that Mr. Dillon has indicated time and again that this is virtually a never-ending program. I quote here from an Associated Press story, with Mr. Dillon saying, "Aid to underdeveloped countries may be needed over the years, 20, 30, or 50 years." If you are going on with that kind of a program, do you not think we ought to know what it is about and hold it down?

The personnel employed in this program in 1948 was 450. Today in the mutual security program there are 43,600 employees; 43,600 personnel in the foreign aid program, scattered almost over the entire face of the earth, and this is excluding the Development Loan Fund. A total of 37 percent of the appropriation in the bill is to pay for personnel. The personnel is expanding so rapidly that this may well be called a payroll bill.

Can we ever control a program which has 43,600 people employed, scattered all over the face of the earth, lobbying for increases in this complex operation?

There are those who stand up in the well of the House and raise the cry that a reduction of funds would seriously damage the foreign aid operation. But each year the record has clearly refuted those erroneous arguments, because the cuts have obviously been made on the basis of facts.

I have tried to understand this bill as well as a person could. I personally have traveled all over the world checking these programs. I realize some of my friends are going to have to carry the ball for the administration. You will hear a lot of cry, in all probability; but I invite the membership to please go to the record, past and present, and we can sustain every penny of cut that we have suggested. I trust that, before final consideration of this bill, the membership will have studied our report, the facts as we have presented them, and then give your committee a vote of confidence. We have brought to you a good bill, one which you can support, one that may embarrass the people downtown, but one which will carry out every commitment we have made, whether those commitments have been made wisely or not.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from West Virginia.



Mr. BAILEY. I would like to ask the distinguished gentleman from Louisiana this question. I have before me a printed copy of the subcommittee hearings. Page 1456 contains a list of 31 countries receiving educational aid under this program. I have been trying to check out who is responsible for the expenditure of those funds. I find that the Department of Education, our regular set-up for the administration of Federal money going for education, is spending \$2.6 million of the total of \$46,077,000 that is going into those 31 countries. Apparently most of it is being spent by ICA and the State Department. On application for information to the regular Department of Education, I was advised that the State Department has an office in their Washington setup where there is a sign on the door reading "Department of Education" within the State Department. Can the gentleman tell the committee here some of the details of what this money is being used for?

Mr. PASSMAN. To be perfectly honest with the distinguished gentleman, I cannot tell him very much about the use of this money. It is very difficult to find out where the money is going. As I have said, 37 percent of the money is going for payroll for the 43,600 personnel. And, I might state that, in addition to the 43,600, there are 10,000 others who are drawing an average of \$5,000 a year as "trainees".

But these are still under the supervision and management of the ICA. However, that is only a part of it. If you get into all parts of the program you will find there is a lot more for education. If the gentleman asks me to pin down this item specifically, then I am sorry, I must apologize; I am unable to pin it down.

Mr. BAILEY. The gentleman will remember 2 years ago when I was leading the fight for school construction legislation, I showed a total of 84 contracts that the Government had to carry out educational programs abroad. They were actually building school buildings. They were paying the faculty of an agricultural college. There were nine agricultural high schools in one particular country where they were paying the teachers' salaries in addition to building the buildings. And I understand they are still paying the salaries of those faculty members.

I just cannot help make the point, and I want my colleagues in the House to understand, that money is being used for a program of education abroad that we are denying to our own boys and girls in this country. And that has to do with our situation of a shortage of 140,000 classrooms.

Mr. PASSMAN. I might say that I voted against the bill of the distinguished gentleman; and if he brings it up again, I shall again vote against it. But it is embarrassing to vote against subsidy legislation in this country—although I oppose Federal aid to schools more particularly for other reasons—and, then, approve foreign education subsidies in this bill. But these items are in here, and I cannot take them out.

Mr. BAILEY. Mr. Chairman, I want to commend the gentleman on his committee report. I expect to support that. I shall be attempting to vote against what is left after the gentleman's recommendations.

Mr. PASSMAN. I shall not attempt to get the gentleman to change his mind.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I want to commend the gentleman for the statement he has made. I take the same position as that of the gentleman from West Virginia [Mr. BAILEY], that while I commend the committee for the cuts that they have made in the bill, I believe they could still cut the bill another couple billion dollars and I might be satisfied at that point.

Mr. PASSMAN. At some time in the future, I hope that we shall be able to satisfy the gentleman.

Mr. GROSS. I know that that is hard to do; I appreciate that. I wonder if the gentleman would comment briefly on the testimony of the Comptroller General before his committee, both as to his view with regard to the amount of money that is being appropriated and with respect to the Comptroller General's inability to get certain information from agencies of the Government, that he ought to be able to get.

Mr. PASSMAN. The Comptroller General stated many times that, in his opinion, the program had too much money; I have held such a position since I first became a member of the committee. I agree that in all probability the bill which is before us has more money than they can actually spend prudently. The Comptroller General is appointed by the President, the head of a Federal agency. He has said that, in his opinion, a major trouble with the program is that it has had too much money, not too little money. I wish it were possible for every Member of Congress to read the subcommittee's hearings from cover to cover.

Mr. WINSTEAD. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Mississippi.

Mr. WINSTEAD. Mr. Chairman, I want to compliment the gentleman from Louisiana. He has put forth the greatest effort of any man I ever saw in trying to hold down these foreign aid expenditures. I believe he agrees with me that he is not for any part of it, but he is going along.

Let me say that I am against every penny of it until they put some common-sense into the program. I think if you cut every nickel out of it for the next 2 years and then reappraise the whole thing, we would be in a lot better position.

Mr. PASSMAN. Whether I agree with the policy or not, I could not support elimination of the bill in its entirety, because we have entered into these commitments. We must respect the word that we have given to other countries. I believe there is a valid point, to which we should look, 4 or 5 years from now,

in the matter of closing down this program. But so far as cutting it off today, I want to be honest with the gentleman. We have made these commitments. We must give them what they need, but no more. I have consistently voted against the authorization, but we must meet the commitments we have made, and we ought to do so soundly and prudently, cutting extravagance and waste and mismanagement to the absolute minimum.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Alabama.

Mr. ANDREWS. Mr. Chairman, I want to commend the gentleman for the fine job he has done on this bill. I should like to call attention of the Members of the House to a chart on page 1727 of the hearings, where they will find a list of nine pages of discontinued projects, projects started and abandoned. That corroborates the statement of the Comptroller General that they had too much money. They have had poor planning. It would open the eyes of the Members to read that list of projects, covering nine pages, projects that were started and abandoned. It supports the conclusion that the money was just poured down the drain.

Mr. PASSMAN. I might say that at one time they had more than 2,000 programs; not projects, but separate and distinct programs. Presently, in the bilateral technical aid category, which is a payroll undertaking, you will find there are still about 1,000 separate programs.

Mr. ANDREWS. Mr. Chairman, if the gentleman will yield further, I should also like to call attention to the testimony of the Comptroller General who said that at one place which his investigators visited, they found a great big mountain of truck tires. They had 40 tires for each truck that they had at that station.

Mr. PASSMAN. Without a doubt, there is too much money in this program. Many times, the evaluations of reports by the ICA, in cases where the Comptroller General has requested them, are not withheld for security reasons, but for some of the reasons I have enumerated in my remarks this afternoon. From the information that was brought out in the hearings, the program has been so mishandled and so exaggerated until it is just not safe for those people to release the reports until the pressure dies down. Where any security question is involved, I shall never ask for release of a report; but when they are withholding reports in order to endeavor to keep the Congress and the people from knowing about how badly this program is being managed, then I do not think there is any justification for their action.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield.

Mr. HARDY. I want to express my appreciation to the gentleman and to his committee for the fine job that they have done and the fine statement that the gentleman is making. This question of getting information with respect to what the ICA is doing is becoming more



and more important. Just yesterday, I ran across some information which should be in the ICA files, and if it is in their files and if the House knew about it, then the House would seek to cut this bill much more than the gentleman's committee has done. I appreciate the effort the committee is making and I join the committee in trying the best we can to bring some commonsense into the administration of this program.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield.

Mr. HOFFMAN of Michigan. May I be permitted to join in the commendation of the gentleman for the wonderful service he has rendered. Then, I have another request. I would like to crawl in under the tent and share a little bit in the wonderful support the gentleman is getting from the people back home—political, you know.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the distinguished chairman of the Committee on Foreign Affairs.

Mr. MORGAN. Would the gentleman explain why the proviso was written in the section on defense support earmarking \$50 million for Spain?

Mr. PASSMAN. Yes; I shall be pleased to do so. That provision has been in the bill every year, with the exception of one, during my tenure as chairman of the subcommittee. I think the gentleman will recall that we left the provision out one year, but when the bill went over to the other body, it was replaced by amendment. There is probably some justification for the amendment. At least, some of the majority and minority Members felt there had been some justification in the past for earmarking a certain amount of money for Spain, so that we might be assured of continuing our military bases there on the basis which we had them, and that these bases should be continued. So, as they had some justification, the proviso has been left in the bill. Insofar as I am aware, there has never been any objection to this on the floor of the House. Repeating, the one year that we decided to take it out, the bill went over to the other body and it was put back in. This same provision has been written into this legislation in the other years. But I state frankly that unless there is more substantial justification for this earmarking in the future, I will not be able to support it.

May I say to the distinguished gentleman, if it might be thought we are violating security by putting this item in there, that I read in the paper only 2 or 3 days ago that the State Department charged violation of security and presumption upon its prerogatives. But I picked up another newspaper and saw an article reporting the Department had committed that \$40 million to Spain, and

in addition there is \$335 million or \$375 million, more.

Mr. MORGAN. Of course, the gentleman knows that on July 20 the State Department made that release of the \$40 million to Spain.

Mr. PASSMAN. Yes.

Mr. MORGAN. But, I still cannot understand why the gentleman's subcommittee in making that particular cut in defense support, then specified \$50 million for Spain, which is \$10 million more than the executive wants.

Mr. PASSMAN. I do not agree with the gentleman that it is a substantial cut in the Defense Support category. Out of \$750 million, we took out \$54 million. If I could have had my way, I would have taken out another \$100 million; but, I am not the entire committee, only one member. I did the best I could, and I hope the gentleman and the Committee of the Whole will accept our bill.

Mr. MORGAN. I still feel if you are going to spell out \$50 million for Spain, you should spell it out at least for other countries that are up against the Soviet border like Turkey and Korea.

Mr. PASSMAN. I am in accord with the gentleman's views. But, others have other views.

Mr. MORGAN. I think they need as much protection as does Spain.

Mr. PASSMAN. I agree with the distinguished gentleman. We do not think we ought to be pumping money into this if they blanket it with security reasons and cannot tell you where the money is going.

I wish to insert at this point in the RECORD, and incorporate as a part of my remarks, five tabulations which are of particular significance. These tables are in the following order:

First. Nations of the world and foreign aid recipients.

Second. Mutual security funds, by program and amount, available for expenditure in fiscal 1960.

Third. Mutual security new funds for fiscal 1960.

Fourth. Mutual security unexpended funds as of June 30, 1959.

Fifth. A sample of defense support projects.

In directing your attention to the tabulations indicated, may I assure you that they merit your close attention and careful study:

*Nations of the world—Total number, 87*

|                |    |
|----------------|----|
| Afghanistan    | *  |
| Albania        | *  |
| Argentina      | *  |
| Australia      | *  |
| Austria        | *  |
| Belgium        | *  |
| Bolivia        | *  |
| Brazil         | *  |
| Bulgaria       | ** |
| Burma          | *  |
| Cambodia       | *  |
| Canada         | *  |
| Ceylon         | ** |
| Chile          | *  |
| China (Taiwan) | *  |

*Nations of the world—Total number, 87—Continued*

|                                   |    |
|-----------------------------------|----|
| Colombia                          | *  |
| Costa Rica                        | *  |
| Cuba                              | *  |
| Czechoslovakia                    | *  |
| Denmark                           | *  |
| Dominican Republic                | *  |
| Ecuador                           | *  |
| Egypt                             | *  |
| Ethiopia                          | *  |
| Finland                           | ** |
| France                            | *  |
| Germany (Federal Republic)        | *  |
| Great Britain                     | *  |
| Greece                            | *  |
| Ghana                             | *  |
| Guatemala                         | *  |
| Haiti                             | *  |
| Honduras                          | *  |
| Hungary                           | *  |
| Iceland                           | *  |
| India                             | *  |
| Indonesia                         | *  |
| Iran                              | *  |
| Iraq                              | *  |
| Ireland                           | *  |
| Israel                            | *  |
| Italy                             | *  |
| Japan                             | *  |
| Jordan                            | *  |
| Korea                             | *  |
| Laos                              | *  |
| Lebanon                           | *  |
| Liberia                           | *  |
| Libya                             | *  |
| Liechtenstein                     | ** |
| Luxembourg                        | *  |
| Mexico                            | *  |
| Monaco                            | ** |
| Mongolia                          | *  |
| Morocco                           | *  |
| Muscat (Oman)                     | ** |
| Nepal                             | *  |
| Netherlands                       | *  |
| New Zealand                       | *  |
| Nicaragua                         | *  |
| Norway                            | *  |
| Pakistan                          | *  |
| Panama                            | *  |
| Paraguay                          | *  |
| Peru                              | *  |
| Philippines                       | *  |
| Poland                            | *  |
| Portugal                          | *  |
| Rumania                           | *  |
| Russia                            | *  |
| Salvador                          | ** |
| Saudi Arabia                      | *  |
| South Africa                      | ** |
| Spain                             | *  |
| Sudan                             | *  |
| Sweden                            | *  |
| Switzerland                       | ** |
| Syria                             | *  |
| Thailand                          | *  |
| Tunisia                           | *  |
| Turkey                            | *  |
| United States                     | DN |
| Uruguay                           | *  |
| Venezuela                         | *  |
| Vietnam                           | *  |
| Yemen                             | *  |
| Yugoslavia                        | *  |
| Number of nations of the world    | 87 |
| (DN) donor nation (United States) | 1  |

|                                                                             |    |
|-----------------------------------------------------------------------------|----|
| Number of nations of the world excluding United States                      | 86 |
| *Recipient nations of U.S. aid, past and present, since end of World War II | 76 |
| **Nonrecipient nations of U.S. aid since end of World War II                | 10 |



## Mutual security funds by program and amount (available for expenditure in fiscal year 1960)

|                                                     |                 |  | Total available<br>for expenditure |                                              |             |  | Total available<br>for expenditure |
|-----------------------------------------------------|-----------------|--|------------------------------------|----------------------------------------------|-------------|--|------------------------------------|
| 1. Military assistance:                             |                 |  |                                    | 12. Atoms for Peace:                         |             |  |                                    |
| Unexpended June 30, 1959.....                       | \$2,576,077,801 |  |                                    | Unexpended June 30, 1959.....                | \$9,164,000 |  |                                    |
| New funds, fiscal 1960.....                         | 1,300,000,000   |  | \$3,876,077,801                    | New funds, fiscal 1960.....                  | 1,500,000   |  | \$10,664,000                       |
| 2. Defense support:                                 |                 |  |                                    | 13. North Atlantic Treaty Organization:      |             |  |                                    |
| Unexpended June 30, 1959.....                       | 798,778,000     |  |                                    | Unexpended June 30, 1959.....                | 968,000     |  |                                    |
| New funds, fiscal 1960.....                         | 700,000,000     |  | 1,498,778,000                      | New funds, fiscal 1960.....                  |             |  | 968,000                            |
| 3. Development Loan Fund:                           |                 |  |                                    | 14. Intergovernmental Committee for European |             |  |                                    |
| Unexpended June 30, 1959.....                       | 783,037,625     |  |                                    | Migration:                                   |             |  |                                    |
| New funds, fiscal 1960.....                         | 550,000,000     |  | 1,333,037,625                      | Unexpended June 30, 1959.....                | 10,492,000  |  |                                    |
| 4. Development assistance:                          |                 |  |                                    | New funds, fiscal 1960.....                  | 8,000,000   |  | 18,492,000                         |
| Unexpended June 30, 1959.....                       | 96,519,000      |  |                                    | 15. U.N. Refugee Fund:                       |             |  |                                    |
| New funds, fiscal 1960.....                         |                 |  | 96,519,000                         | Unexpended June 30, 1959.....                | 1,179,000   |  |                                    |
| 5. Special assistance:                              |                 |  |                                    | New funds, fiscal 1960.....                  | 1,100,000   |  | 2,279,000                          |
| Unexpended June 30, 1959.....                       | 161,678,000     |  |                                    | 16. Escapee program:                         |             |  |                                    |
| New funds, fiscal 1960.....                         | 200,000,000     |  | 361,678,000                        | Unexpended June 30, 1959.....                | 7,428,000   |  |                                    |
| 6. President's Asian Fund:                          |                 |  |                                    | New funds, fiscal 1960.....                  | 5,200,000   |  | 12,628,000                         |
| Unexpended June 30, 1959.....                       | 85,896,000      |  |                                    | 17. U.N. Children's Fund:                    |             |  |                                    |
| New funds, fiscal 1960.....                         |                 |  | 85,896,000                         | Unexpended June 30, 1959.....                | 10,088,000  |  |                                    |
| 7. President's Contingency Fund:                    |                 |  |                                    | New funds, fiscal 1960.....                  | 12,000,000  |  | 22,088,000                         |
| Unexpended June 30, 1959.....                       | 143,426,000     |  |                                    | 18. U.N. Relief and Works Agency:            |             |  |                                    |
| New funds, fiscal 1960.....                         | 155,000,000     |  | 298,426,000                        | Unexpended June 30, 1959.....                | 7,107,000   |  |                                    |
| 8. Technical cooperation, bilateral:                |                 |  |                                    | New funds, fiscal 1960.....                  | 25,000,000  |  | 32,107,000                         |
| Unexpended June 30, 1959.....                       | 159,171,000     |  |                                    | 19. Ocean freight:                           |             |  |                                    |
| New funds, fiscal 1960.....                         | 150,000,000     |  | 309,171,000                        | Unexpended June 30, 1959.....                | 1,679,000   |  |                                    |
| 9. Technical cooperation, U.N.:                     |                 |  |                                    | New funds, fiscal 1960.....                  | 2,300,000   |  | 3,979,000                          |
| Unexpended June 30, 1959.....                       | 9,587,000       |  |                                    | 20. Control Act:                             |             |  |                                    |
| New funds, fiscal 1960.....                         | 30,000,000      |  | 39,587,000                         | Unexpended June 30, 1959.....                | 142,000     |  |                                    |
| 10. Technical cooperation, Organization of American |                 |  |                                    | New funds, fiscal 1960.....                  |             |  | 142,000                            |
| States:                                             |                 |  |                                    | 21. Administrative expenses, ICA:            |             |  |                                    |
| Unexpended June 30, 1959.....                       | 1,308,000       |  |                                    | Unexpended June 30, 1959.....                | 6,270,000   |  |                                    |
| New funds, fiscal 1960.....                         | 1,500,000       |  | 2,808,000                          | New funds, fiscal 1960.....                  | 37,000,000  |  | 43,270,000                         |
| 11. Joint control:                                  |                 |  |                                    | 22. Administrative expenses, State:          |             |  |                                    |
| Unexpended June 30, 1959.....                       | 281,000         |  |                                    | Unexpended June 30, 1959.....                | 1,171,000   |  |                                    |
| New funds, fiscal 1960.....                         |                 |  | 281,000                            | New funds, fiscal 1960.....                  | 7,900,000   |  | 9,071,000                          |
|                                                     |                 |  |                                    | Total.....                                   |             |  | 8,057,947,426                      |

## Mutual security program—New funds for fiscal 1960

|                                          | Authoriza-<br>tion | Amount of<br>reduction | Recom-<br>mended<br>amount |                                             | Authoriza-<br>tion | Amount of<br>reduction | Recom-<br>mended<br>amount |
|------------------------------------------|--------------------|------------------------|----------------------------|---------------------------------------------|--------------------|------------------------|----------------------------|
| 1. Military assistance.....              | \$1,400,000,000    | \$100,000,000          | \$1,300,000,000            | 13. North Atlantic Treaty Organization..... |                    |                        |                            |
| 2. Defense support.....                  | 751,000,000        | 51,000,000             | 700,000,000                | 14. Intergovernmental Committee for         |                    |                        |                            |
| 3. Development Loan Fund.....            | 700,000,000        | 150,000,000            | 550,000,000                | European Migration.....                     | \$12,200,000       | \$4,200,000            | \$8,000,000                |
| 4. Development assistance.....           |                    |                        |                            | 15. U.N. Refugee Fund.....                  | 1,100,000          |                        | 1,100,000                  |
| 5. Special assistance.....               | 247,500,000        | 47,500,000             | 200,000,000                | 16. Escapee program.....                    | 5,200,000          |                        | 5,200,000                  |
| 6. President's Asian fund.....           |                    |                        |                            | 17. U.N. Children's Fund.....               | 12,000,000         |                        | 12,000,000                 |
| 7. President's contingency fund.....     | 155,000,000        |                        | 155,000,000                | 18. U.N. Relief and Works Agency.....       | 25,000,000         |                        | 25,000,000                 |
| 8. Technical cooperation, bilateral..... | 179,500,000        | 29,500,000             | 150,000,000                | 19. Ocean freight.....                      | 2,300,000          |                        | 2,300,000                  |
| 9. Technical cooperation, U.N.....       | 30,000,000         |                        | 30,000,000                 | 20. Control Act.....                        |                    |                        |                            |
| 10. Technical cooperation, Organization  |                    |                        |                            | 21. Administrative expenses, ICA.....       | 39,500,000         | 2,500,000              | 37,000,000                 |
| of American States.....                  | 1,500,000          |                        | 1,500,000                  | 22. Administrative expenses, State.....     | 8,395,000          | 495,000                | 7,900,000                  |
| 11. Joint control.....                   |                    |                        |                            | Total.....                                  | 3,578,695,000      | 390,195,000            | 3,188,500,000              |
| 12. Atoms for peace.....                 | 6,500,000          | 5,000,000              | 1,500,000                  |                                             |                    |                        |                            |

## Mutual security—Unexpended funds, June 30, 1959

|                                             | Obligated,<br>committed, or<br>reserved | Unobligated,<br>uncom-<br>mitted, or<br>unreserved | Total           |                                         | Obligated,<br>committed, or<br>reserved | Unobligated,<br>uncom-<br>mitted, or<br>unreserved | Total         |
|---------------------------------------------|-----------------------------------------|----------------------------------------------------|-----------------|-----------------------------------------|-----------------------------------------|----------------------------------------------------|---------------|
| 1. Military assistance.....                 | \$2,539,624,801                         | \$36,453,000                                       | \$2,576,077,801 | 14. Intergovernmental Commission for    |                                         |                                                    |               |
| 2. Defense support.....                     | 798,683,000                             | 90,000                                             | 798,778,000     | European Migration.....                 | \$5,663,000                             | \$4,829,000                                        | \$10,492,000  |
| 3. Development Loan Fund.....               | 769,791,625                             | 13,246,000                                         | 783,037,625     | 15. U.N. Refugee Fund.....              | 1,179,000                               |                                                    | 1,179,000     |
| 4. Development assistance.....              | 96,519,000                              |                                                    | 96,519,000      | 16. Escapee program.....                | 6,860,000                               | 568,000                                            | 7,428,000     |
| 5. Special assistance.....                  | 160,429,000                             | 1,249,000                                          | 161,678,000     | 17. U.N. Children's Fund.....           | 10,088,000                              |                                                    | 10,088,000    |
| 6. President's Asian fund.....              | 83,421,000                              | 2,475,000                                          | 85,896,000      | 18. U.N. Relief and Works Agency.....   | 2,679,000                               | 4,428,000                                          | 7,107,000     |
| 7. President's contingency fund.....        | 143,242,000                             | 184,000                                            | 143,426,000     | 19. Ocean freight.....                  | 1,289,000                               | 390,000                                            | 1,679,000     |
| 8. Technical cooperation, bilateral.....    | 155,259,000                             | 3,912,000                                          | 159,171,000     | 20. Control act.....                    | 123,000                                 | 14,000                                             | 142,000       |
| 9. Technical cooperation, U.N.....          | 9,587,000                               |                                                    | 9,587,000       | 21. Administration expenses, ICA.....   | 6,145,000                               | 125,000                                            | 6,270,000     |
| 10. Technical cooperation, OAS.....         | 1,008,000                               | 300,000                                            | 1,308,000       | 22. Administration expenses, State..... | 1,107,000                               | 64,000                                             | 1,171,000     |
| 11. Joint control areas.....                | 275,000                                 | 6,000                                              | 281,000         | Total.....                              | 4,801,013,426                           | 70,434,000                                         | 4,871,447,426 |
| 12. Atoms for peace.....                    | 7,063,000                               | 2,101,000                                          | 9,164,000       |                                         |                                         |                                                    |               |
| 13. North Atlantic Treaty Organization..... | 968,000                                 |                                                    | 968,000         |                                         |                                         |                                                    |               |

<sup>1</sup> Includes \$21,000,000 proceeds from military sales available until expended under existing legislation.

<sup>2</sup> Total unobligated balance is as follows:

Uncommitted as above..... \$13,246,000

Committed but not obligated..... 212,250,000

Total unobligated..... 225,496,000



## A SAMPLE OF DEFENSE SUPPORT PROJECTS

1. Irrigation and drainage systems.
2. Forestry resources development.
3. Fisheries conservation.
4. Improvement of water supplies.
5. Malaria eradication.
6. Civil police assistance.
7. Agriculture and rural improvement.
8. Land and water resources development.
9. Fisheries development.
10. Coal mine development.
11. Mineral development (other than coal).
12. Telecommunications.
13. Hydroelectric power development.
14. Thermal power development.
15. Power transmission and distribution.
16. Primary system improvement.
17. Fertilizer production.
18. Chemicals and plastics.
19. Other industrial base expansion.
20. Other industrial plant rehabilitation.
21. Food processing.
22. Water resources survey.
23. Industrial productivity.
24. Industrial survey.
25. Handicraft promotion center.
26. Highway development.
27. Expansion of railways.
28. Harbor and shipping development.
29. Air transport improvement.
30. Disease control (excluding malaria).
31. Municipal water supply.
32. Sanitarium expansion.
33. Rural health and sanitation.
34. Vocational agriculture education.
35. Science education.
36. Low-cost housing.
37. Export insurance plan.
38. Engineering services.
39. Flood control.
40. Land and water use improvement.
41. Development metals and minerals (other than coal).
42. Rehabilitation of thermal plants.
43. Rehabilitation and construction of power transmission and distribution system.
44. Thermal electric generating plant.
45. Electric plant.
46. Services and training fertilizer plant.
47. Small industry development.
48. Medium industry development.
49. Industrial operating capital loans.
50. Cement plant.
51. Waterworks rehabilitation and expansion.
52. City drainage.
53. Highway and bridge construction and rehabilitation.
54. Railway rolling stock.
55. Railway construction.
56. Railroad operations improvement.
57. Diesel locomotives and shops.
58. Port and harbor improvement.
59. Marine navigational aids.
60. Civil aviation operations improvement.
61. Environmental sanitation.
62. Public health facilities improvement.
63. Improvement teacher training.
64. Classroom construction.
65. Community assimilation and economic development.
66. Voluntary agencies support.
67. Housing construction materials.
68. General engineering services.
69. Irrigation development.
70. Industrial development and planning.
71. Development of national road system.
72. Improvement of river harbors and ferries.
73. Police training.
74. Customs service adviser.
75. Water resources planning and development.
76. Irrigation services.
77. Agriculture credit and cooperatives.
78. Strategic minerals survey.
79. Industrial research (including Forest Products Research Institute).
80. Highway improvement.

A SAMPLE OF DEFENSE SUPPORT PROJECTS—  
Continued

81. Health training.
82. Vocational education.
83. Improvement of curriculum, research, and laboratory equipment.
84. General education.
85. Community development.
86. Power facilities.
87. General highway improvement.
88. Road improvement.
89. Aeronautical ground services improvement.
90. Meteorological services improvement.
91. Aviation overhaul and maintenance facility.
92. Village health and sanitation project.
93. Civil police administration.
94. City planning.
95. Ground water exploration.
96. Crop development.
97. Improvement of irrigation and water control.
98. Land development.
99. Expansion of rural-urban water supply.
100. Geological survey.
101. Assistance to public service facilities.
102. Highway and bridge construction.
103. Rehabilitation of inland waterways.
104. Improvement and expansion of aeronautical ground facilities.
105. Health services development.
106. Expansion of medical education facilities.
107. Expansion and improvement of technical vocational education.
108. Expansion and improvement of elementary education.
109. Expansion and improvement of secondary education.
110. Instructional materials development.
111. Improvement of civil police.
112. Strengthening civil guard.
113. Expansion of Government information facilities.

Mr. Chairman, let us now, again, review some of the conditions relative to the nonmilitary, or economic, foreign aid program as administered by the International Cooperation Administration, even at the expense of being repetitious.

These are some of the readily evident shortcomings:

First. The absence of adequate advance planning, in the form of firm technical and financial plans and reliable cost estimates, and the failure to reach definitive understandings with the recipient countries on all essential project elements. This condition has led to overprogramming, piecemeal financing, and premature obligations. It has also frequently resulted in delays in the execution of project aid and in increased costs.

Second. In several countries, the official exchange rates used by the U.S. Government have substantially overvalued the local currencies in relation to the dollar. The use of such rates has unduly increased the dollar cost of U.S. aid, particularly where its principal purpose was the generation of local currency. Also, in some of the countries, the use of these unrealistic exchange rates has resulted in windfall profits to foreign importers and provided incentives for speculation and irregular practices.

Third. ICA has not had, for several of its programs and activities, adequate information on the use of aid funds, through a satisfactory accounting from the recipient country and its agencies,

and through effective end-use investigations and field audits by the ICA overseas missions.

Fourth. In individual countries there has been (a) excessive staffing with local nationals, (b) insufficient pooling of common administrative support functions with other U.S. agencies operating in the same foreign countries, (c) dispersal of assistance efforts over too wide an area and too large a number of individual projects, (d) delays in recruitment of qualified technical and administrative personnel, and (e) deficient property management.

Now, Mr. Chairman, let us take a brief look at some of the military assistance phases of the foreign aid program. I shall summarize:

First. The programing objectives established by the Department of Defense for our allies, expressed in terms of divisions of troops, squadrons of aircraft, and so forth, have not been sufficiently refined to distinguish between those forces which are justifiable on the basis of military roles and missions and those which are equipped and maintained because of political or other considerations. Furthermore, revision of program objectives in line with the force objectives which participant countries themselves have agreed to support and commit for mutual defense purposes has been unduly delayed, and as a consequence substantial quantities of material have been delivered which are, and will be, in excess of the country needs. In the lack of adequate refinement for program criteria to establish which countries and which military units shall first receive equipment and supplies, items have been programed for high-priority units which could have been filled from excess equipment in the hands of low priority units.

Second. Estimates have not been developed—and presented to the committees of the Congress—of the aggregate cost of equipping, maintaining, and modernizing allied military forces approved for support or for otherwise achieving United States objectives in the countries being supported. Without these data, it is, of course, extremely difficult to relate the annual appropriation request to the current and projected costs of the program in the recipient countries and the overall objectives of our own Nation, and it is equally as difficult to evaluate program accomplishments in relation to plans presented in earlier years.

Third. Lists of items of military equipment and supplies for recipient countries continue to be developed and used to support annual appropriation requests without sufficient knowledge, in many instances, of the real needs of the countries as determined by the gross requirements of the military units, the equipment assets on hand or of the countries' capabilities to utilize the materiel planned for delivery.

Fourth. Military equipment continues to be programed, procured, and delivered to recipient countries without adequate regard for the degree of utilization achieved in those countries. Since the Department of Defense has not de-



veloped standards to define what constitutes adequate equipment utilization, substantial quantities of material have been programed for delivery to recipient countries to be placed in storage, stockpiled, or otherwise not used in the manner intended.

Fifth. Stocks excess to the military services which should be transferred to the military assistance program without charge, stocks which should be transferred at reduced prices because of condition and market value, and other categories of military equipment have been transferred at prices which have resulted in overcharges to the mutual security program military assistance appropriations. The regulations, procedures, and controls have been ineffective in preventing unauthorized reimbursements to the military services.

Sixth. Funds provided by the United States to support the military budget of many countries have not been adequately controlled to insure that the funds are utilized for the purposes for which they were given.

Mr. Chairman, for the documentation of these economic and military foreign aid general summaries which I have heretofore outlined, permit me to refer you to the record of the hearings—from page 1 through page 1,781—for innumerable supporting examples. Specifically, may I call to your attention pages 193, 277, and 278 with reference to portions of statements to our subcommittee by Mr. Joseph Campbell, the Comptroller General of the United States.

With those general factors concerning the foreign aid program fixed in mind, let us move along with additional summation, pointing out some of the many deficiencies which have caused the various programs to be more costly than would be expected by reasonable standards of competence.

At page 194 of our subcommittee's hearings, the Comptroller General noted that current findings of the General Accounting Office strengthen the belief that the basic shortcomings, especially in the area of project assistance, derive from unsound programing concepts. The annual level of aid has been beyond the technical and financial capacity of the recipient, says the Comptroller General, as well as beyond the administrative ability of the United States. The fact is, ICA has dispersed its efforts over such a wide range of projects that effective administration has been difficult, if not impossible.

With reference to Pakistan, Mr. Campbell declared—and I quote a statement from page 194 of the hearings:

Too many projects were undertaken, planning was insufficient and by reason thereof funds were obligated prematurely, action to resolve problems encountered in project implementation was slow, ICA-financed equipment was not effectively used, and Pakistan did not furnish adequate reports on its project contributions.

The report continued—and I quote from pages 194 and 195 of the hearings:

The administration of the ICA-financed commodity import program encountered (1) malpractices of local businessmen and officials (such as unauthorized resale of import

licenses and use of political influence in obtaining licenses), (2) the accumulation of unclaimed commodities in \* \* \* port warehouses, and (3) delays in settling refund claims. \* \* \*

Field audits disclosed improper distribution procedures and blackmarket sales.

The agency followed an inconsistent course in programing the use of rupees generated under the commodity import program. There were substantial unused rupee accumulations through fiscal year 1957, until in 1958 large sums were released notwithstanding inflationary conditions \* \* \* and shortcomings in local administrative procedures. \* \* \*

Deficiencies \* \* \* (also) included overstaffing in local personnel, a motor fleet in excess of requirements, and the purchase of excessive quantities of household goods for Government-furnished housing.

To illustrate the latter statement, I want to cite to you two of many examples of record. I refer you to page 244 of the printed record of the hearings of our subcommittee, and I quote from a statement by Mr. George H. Staples, associate director, Civil Accounting and Auditing Division, GAO:

Reading from our report, in talking about passenger-carrying vehicles, "the mission owned a fleet of 229 passenger vehicles and they operated 7 additional vehicles on loan from the local government. \* \* \* The mission also had the use of several vehicles provided for specific projects. This fleet was excessive in relation to the number of mission and contract personnel in need of local transportation. \* \* \* Actual (personnel) strength was 271 Americans (including contract personnel)."

With respect to the purchase of household goods for Government housing, we say this: "The mission had purchased excessive quantities of household goods for use in Government-furnished quarters. The mission carried in its inventories \* \* \* the following items, among others: 529 refrigerators at the approximate value of \$105,800; 669 air conditioners at the value of \$135,600; 650 stoves at \$47,100, and unitemized household furniture in warehouses at \$128,500."

All of this, you should keep in mind, for 271 Americans.

Now, Mr. Chairman, let us take a brief look at the economic aid programs in India—where there is irrefutable evidence, in particular, of overprograming, with resulting delays in project implementation and ineffective use of ICA-financed aid goods. There, the difficulties are aggravated by limitations imposed by the Indian Government as to the types of technical skills to be recruited from outside the country. And also, the Indian authorities have been reluctant in accepting prescribed financial control procedures and in providing information on the use of aid funds. Inadequate data on project costs and project accomplishments have hampered proper planning. There has also not been, the General Accounting Office reports, sufficient participation by ICA in the administration of local currency funds generated by U.S. dollar aid.

Furthermore, the ICA's own field audits have disclosed a number of unsatisfactory conditions in the administration of relief programs under the authority of Public Law 480.

Again, I refer you to our hearings, at many points, for detailed documentation of these facts which I have stated. And

for quick, ready reference I invite your attention to statements by Comptroller General Campbell, at pages 195 and 196 of the hearings.

To the Far East now—Laos, as an example—and I shall quote from the GAO reports, at page 196 of our hearings:

1. With the introduction of free convertibility of the kip as a part of the monetary reform plan, the previous import controls were eliminated and ICA no longer had knowledge of the use of cash grants. The agreed "fullest possible use" of procurement authorizations, in lieu of cash grants, had not been followed by the Lao Government.

2. The mission continued to be hampered in its end-use investigations because of reluctance of Lao officials to furnish information on the arrival and disposition of imported goods and to permit ICA inspections.

3. Accomplishments in individual ICA-financed projects were unsatisfactory, in particular in road improvement and civilian police administration.

At this point, Mr. Chairman, perhaps it would be well to again make some brief factual observations relative to the operations of the so-called Development Loan Fund, with more detailed discussion to follow. For now, may I note:

First. ICA has continued to make so-called loans for economic development, thereby fragmentizing the so-called loan activities under the mutual security program between two separate agencies. This is inconsistent with the primary purposes which were advanced as underlying the creation of the DLF.

Second. All so-called loans made by the DLF in fiscal 1958 are repayable in the borrowing country's currency, which is but little, if any, use to our Nation. Of the loans subsequently negotiated, according to Secretary Dillon, about 80 percent are repayable in local currency. It cannot be successfully denied that the making of these so-called loans, which are predominantly repayable in foreign currencies, not freely convertible and tightly restricted as to their use by the United States, postpones the creation of a self-sustaining fund and will require the appropriation of substantial dollar funds in the foreseeable future. Secretary Dillon himself will not predict a length of time—maybe for 50 years, he says. This situation also adds, of course, to the growing accumulations of foreign currencies, practically entirely useless to us, owned by the United States—with the figure already being at the staggering total of about \$2½ billion.

Third. DLF has also allocated its so-called loan funds to broad segments of import programs. This is certainly in conflict with the concept represented to the Congress and pronounced by the Fund that the so-called loans would be made for specific economic activities which are susceptible to careful planning and evaluation by DLF.

Fourth. DLF so-called lending policies and guidelines are not positive and clear.

Fifth. So-called loan funds have been earmarked for the benefit of individual countries prior to receipt and evaluation of specific so-called loan applications.

The record of our hearings amply substantiates these observations. The Comptroller General of the United States also emphatically states these



facts and reaches these conclusions, and I refer you to page 197 of the hearings for brief but positive documentation of the statements.

Mr. Chairman, I think the Members who do not have the opportunity to study the foreign aid program presentations in detail—as do, for example, the members of our Foreign Operations Subcommittee on Appropriations—would be interested in knowing these facts:

First. The presentations for nonproject assistance are not clear and specific as to how the proposed amounts for each country are determined; economic and budgetary statistics are not properly correlated with the proposed amounts; and expenditures and pipeline data are inadequate with relation to actual and estimated obligations.

Second. The presentation of project assistance frequently lacks information as to the overall progress in terms of annual obligations, expenditures, and the year-end pipeline of unliquidated obligations; the basis for estimating current implementing capability is faulty and, as a result, current estimated subobligations and current estimated expenditures are not reliable; there is unsatisfactory explanation, in some cases no reasonable explanation at all, for significant increases from year to year in total anticipated U.S. financing, as well as for extension of completion dates.

The very nature and number of ICA's own internal audit findings—50 mission and Washington examinations in 3 years resulting in 1,113 audit recommendations—clearly indicate the need for more concerted efforts by ICA and the Department of State to strengthen the administration of the nonmilitary aid phase of the program and to minimize the cost of its operation. Although this need has been emphasized consistently, the same types of mismanagement, inefficiency, malpractices and waste recur year after year.

Here is a portion of one colloquy, from page 202:

Mr. PASSMAN. On page 2 of your statement, paragraph 3, you state as follows:

"The absence of adequate advance planning, in the form of firm technical and financial plans and reliable cost estimates, and the failure to reach definitive understandings with the recipient countries on all essential project elements has led to over-programming, piecemeal financing, and premature obligations. This condition has frequently resulted in delays in the execution of project aid and increased costs."

Does that constitute an indication that more money is available than actually needed, and that the money is being obligated rapidly in order to get it behind the curtain?

Mr. STAPLES (of the GAO). That is the very direct inference, Mr. Chairman.

Now, from another colloquy, at page 207 of the hearings:

Mr. PASSMAN. Also, on page 11, you state: "DLF has allocated loan funds to broad segments of import programs. This use tends to conflict with the concept represented to the Congress and pronounced by the Fund that loans would be made for specific economic activities which are susceptible of careful planning and evaluation by DLF."

Will you comment on that?

Mr. CAMPBELL (the Comptroller General). Would you like an instance? I think that statement is pretty clear.

Mr. PASSMAN. It is very clear, but we would like for you to cite some instances.

Mr. STAPLES (of GAO). In our draft report on the Development Loan Fund we refer to instances.

Mr. PASSMAN. Will you cite an instance or two at this time?

Mr. STAPLES. There was a loan to Israel made on June 25, 1958, by the DLF in the amount of \$15 million to finance the import of capital equipment, in which the DLF agreed not to insist on the submission of specific projects for which the commodities would be used.

Mr. PASSMAN. That is contrary to the intent of Congress, according to your interpretation?

Mr. STAPLES. That is right.

Mr. PASSMAN. Will you cite other instances?

Mr. STAPLES. Two loans to India totaling \$75 million; \$40 million was for the procurement of steel to be used in the manufacture of railroad cars and bridges; \$35 million was for road transport vehicles and parts and materials to modernize plants in the cement and jute industries. \* \* \*

Mr. RHODES. Were they dollar loans?

Mr. STAPLES. They were dollar loans, repayments to be made in local currency. \* \* \*

Mr. ANDREWS. What would be wrong with making a loan to India for \$40 million to buy steel to build railroad cars with?

Mr. STAPLES. Simply because the concept under which the Development Loan Fund was established and which they themselves represented to the Congress was that loans would be made only for specific development projects which were susceptible of careful planning and evaluation in connection with the application of these loans and not for broad general credit purposes. In other words, it is not consistent with the concept under which the Development Loan Fund was created.

Such citations as these could be continued all day, Mr. Chairman, if it would serve a useful purpose to present them. I believe, however, that for the time being those should suffice to satisfactorily support the comment I have made.

Returning at this time to some further brief discussion of the Military Assistance program, the information developed during our hearings leaves no doubt of:

First. The inadequacy of the estimates of the costs of equipping, maintaining and modernizing the forces included in the objectives for each country; therefore, there is an inadequate basis for the planning and budgeting of country needs.

Second. The costs have not been properly weighed with relation to the importance to the United States of achieving its objective for each country; consequently, no tentative ceiling for aid has been established for any given country which gives due weight to the country's capabilities for contributing to the common defense and its capabilities for self-support.

Third. There is no satisfactory framework through which the United States can conduct negotiations for obtaining maximum contributions by the aid recipients and as bench-marks of achievement to be obtained by the country as a precedent to further accomplishment in the program.

Fourth. There is no record—or maybe I should say, no adequate record—as to the total costs of supporting force objectives in each country; therefore, there is no means of determining the projected cost to the United States of equipping,

maintaining and modernizing these forces worldwide.

The errors, the inaccuracies, the deficiencies and waste in the military programming process which have been disclosed through the hearings of our subcommittee, as well as otherwise, unquestionably demonstrate that the military assistance advisory group program submissions do not provide a reliable basis for developing program needs. In a number of countries, as the comptroller General attests in his statement, the MAAG's have developed material requirements in an inaccurate and incomplete manner, without adequate supporting documentation. Program needs have been developed without valid tables of organization and equipment or stock levels on which to base needs, without reliable information as to country consumption rates, and without adequate knowledge of equipment already possessed by country forces.

As the Members are aware, the overseas MAAG's prepare program submissions of country needs—which is also the case with respect to the ICA overseas missions and the economic, or nonmilitary, aid—from which the departments here in Washington develop the programs.

The General Accounting Office comments with respect to how these responsibilities are carried out—and I quote from pages 283 and 284 of our subcommittee's hearings:

Our review disclosed that outside of the NATO area, requirements generally were not based on valid tables of organization and equipment or other standards that had been tailored to specific country needs and had been accepted by the countries concerned. In many instances, U.S. standards, which are unlikely to be appropriate in many of the underdeveloped or partially developed countries for which military equipment is being provided, were being used. Reliable information was not available as to country consumption rates or stock levels to be maintained. \* \* \*

In many countries net program requirements had been developed without satisfactory knowledge of the quantities or condition of equipment already available to meet computed requirements. The MAAG's did not know what equipment previously delivered had been used up and was not available to meet current needs.

We do not believe the MAAG's are carrying out their responsibilities in this area (determination of country capabilities). Although the MAAG's has been made responsible for supervising the utilization of military assistance equipment, the MAAG's generally have not developed standards as to what constitutes effective utilization and have not established criteria for their field inspection teams to follow in evaluating and reporting their observations. Therefore, the MAAG's have no firm standard for determining whether a program requirement can be properly used. \* \* \* In some cases the MAAG's include in their program submissions all the equipment necessary to meet the requirements of the supported forces, irrespective of personnel shortages and logistical deficiencies which they have reported as existing in the country forces and which would appear to adversely affect the country's ability to absorb, maintain and utilize the equipment to be furnished.

Then, Mr. Chairman, the Comptroller General added this very significant comment—with relation to which I refer



you to page 284 of our subcommittee's hearings:

The MAAG program submissions, even though subject to substantial change and refinement both in Washington and abroad before becoming firm approved programs, are the basis for all program development and action, and we believe it unlikely that a final program can be much better than the basic data from which it was prepared.

During the course of our hearings, conditions such as the following were frequently found: First, vehicles which could not be used because of a shortage of drivers or lack of proper maintenance facilities; second, delivery of ammunition and equipment which could not be properly stored; third, lack of assurance in some countries that materiel furnished to meet mobilization needs would be effectively used in the event of mobilization, since the units for which the equipment was programmed might not meet mobilization manning standards; fourth, much of the materiel delivered under the program is delivered to comparatively underdeveloped countries whose logistical and technical capabilities are limited by their shortages of personnel, skill, and other resources.

I shall now quote again from a few of the colloquies during our hearings. I refer you first to page 288, as follows:

Mr. PASSMAN. Your statement to a large extent confirms my own personal findings with respect to excess military equipment going to certain countries.

As there will be much more information documented before we conclude these hearings as to practices that are almost unpardonable, I am going to read from an interim report of another congressional committee: "Records in one motor pool showed enough tires were supplied during a period of a year to make 44 tires available for each truck. Installations equipped to rebuild and maintain military material were found to be engaged in the manufacture of airplanes for the personal use of certain officials of the national Armed Forces \* \* \* and the United States was supplying all necessary military aircraft to the country and no military purpose was served in diverting manufacturing facilities from their intended use to produce authorized planes."

Are you familiar with that incident?

Mr. BAILEY. Yes, sir; we are.

Mr. PASSMAN. Is it verified?

Mr. BAILEY. This information is based on an inspection made by an inspection team set up after our first examination. It resulted from an initial review in which we brought out unsatisfactory conditions in this particular country. The U.S. commanding general in that country set up an ad hoc committee composed of representatives of his command as well as representatives from the country concerned, who verified the findings we have indicated in our report.

At another point, on page 289, and I quote:

Mr. PASSMAN. Matters of this kind are not the exception but, rather, fairly much the general rule in the nations you have had an opportunity to check with regard to excess equipment.

Mr. BAILEY. Some of the same conditions apply in varying degrees in many of the countries.

From the same page, and I quote:

Mr. PASSMAN. We now proceed to the underdeveloped countries. I shall quote from the report:

"He has brought in an eight-man team to make an inventory of the equipment on hand, divert surplus supplies to other countries, and throw out the junk. Receipts from the scrap will be returned to the United States. Travelers sold some of the equipment lies abandoned and rusty on the roadside. A U.S. inspection team recently reported that 75 percent of the ammunition in one depot had deteriorated to a danger point and should be destroyed."

I might state that there are very many examples such as I have just quoted which could be documented and put in this record. \* \* \*

Is that substantially correct?

Mr. CAMPBELL. I would say a great many examples.

I am continuing to excerpt from the record of the hearings, Mr. Chairman, at this point from page 290:

Mr. PASSMAN. Reading from the same report:

"The Defense Department, although not accepting in all cases the \* \* \* interpretation of their significance, agrees that the record contains ample evidence that the events reported are not exceptional occurrences."

They themselves acknowledge that such conditions are not exceptional. Would that fact not indicate again that we are trying to force these countries to absorb more money and more equipment than they are capable of utilizing?

Mr. BAILEY. This is the situation in many countries. \* \* \* They are receiving equipment in excess of their capabilities to absorb, utilize, and maintain.

Mr. PASSMAN. Much of the equipment is placed in storage?

Mr. BAILEY. Yes; a good part of the equipment is placed in storage.

Mr. PASSMAN. Deterioration rapidly sets in for certain types of equipment, especially in countries where there is relatively high humidity?

Mr. BAILEY. Yes; this is so.

The following is from page 291 of the hearings:

Mr. PASSMAN. I propose to be factual, and to establish beyond any doubt whatsoever that this program has had excessive financing, and that the recipient countries have not been able to utilize much of this material. Your report points out clearly that there are numerous practices which are not in keeping with the law or the intent of the Congress.

Here is one, for which I shall quote from an official document:

"Examples of poor stockkeeping were abundant, and in one instance only one carburetor for a 2½-ton truck engine was found to be in stock for an entire army, and none was found in the ordnance base depot. A supply of particular ammunition item adequate for 185 years was reported in one installation."

This is from pages 294 and 295 of the hearings:

Mr. PASSMAN. Proceed, Mr. Lippman.

Mr. LIPPMAN. This is from a Department of Defense inspection report, and I will delete the classified references and try to retain the original report:

"In contrast to the critical shortages of almost all items of supply in forward areas, as the inspection team moved toward the base depots, more and more excesses were found in practically all classes of supply. For example, in the X depot situated near X city, over 4,000 tons of excess ordnance material was discovered. Although this had been reported, no action was taken to evacuate this material to the base depot. Much of the excess was improperly stored outside

for a period up to 3 years. Consequently, millions of dollars' worth of needed supplies were observed that are no longer serviceable, and tremendous unexplained excesses in many classes of supply were found in some depots in the base logistical complex. In the chemical depots throughout country X over 4 million excess pounds of chemicals required for the production of rubber training shoes were found. In X command well over a million new carbine and submachine-gun clips were found in open storage. They had deteriorated to a point where the major portion was no longer repairable.

"In the same command area there was a mountain of new tire chains, estimated at 70,000 sets, left outside without maintenance and storage. The storage in this activity was deplorable. A conservative estimate of the loss due to neglect would run into the millions of dollars, and excesses ranged from insignificant in the forward areas to 20 years' supply of WAC clothing in one depot and a 45-year supply of 30-carbine ammunition in one school."

Mr. PASSMAN. Whose statement is that?

Mr. LIPPMAN. This is a report from the Department of Defense inspection team.

Mr. PASSMAN. Not your report?

Mr. LIPPMAN. That is right. \* \* \* This team was a combination of Department of Defense officers and the recipient country military officer. This generated as a result of one of our reports.

Mr. Chairman, there is abundant documentation, throughout the 1,781 pages of the printed record of our subcommittee's hearings, with relation to innumerable deplorable conditions such as I have cited to you. For the present, however, I want to read to you only two or three more—from pages 295 and 296 of the hearings—and then I shall proceed with my remarks. I now quote:

Mr. LIPPMAN. Mr. Chairman, I am skipping around through this report to select some of the things I think would be rather interesting. This is really a summary of a report (quoting from report):

"Diversion is another story. The abundance of military goods in the hands of unauthorized civilian stores and market places throughout country X is proof that this operation (of diversion) is still uncontrolled. In the large centers of population, the quantity of military goods of all types that has entered the civilian economy is beyond belief. This activity is so extensive that an adequate description is impossible. Items such as tires, handtools, clothing, flashlights, construction material, spare parts, food, wire, petroleum and oil and lubricants, and, in fact, virtually every commodity required to support a military machine, with the exception of equipment such as tanks and artillery pieces, is displayed openly for sale by private enterprise. \* \* \*

"Diversion, pilferage and thievery have stripped the military supplies to such an extent that critical shortages exist in many categories. In fact, the military, to remain operational, has been forced into repurchasing supplies and spare parts from the open market."

Mr. PASSMAN. That is a deplorable situation. Who issued that report?

Mr. LIPPMAN. This is a Department of Defense team.

Mr. PASSMAN. After your investigation?

Mr. LIPPMAN. Yes, as a result of our initial findings.

Continuing, Mr. Chairman, with another brief colloquy from the hearings, this also being at page 296 of the printed record. I quote:

Mr. PASSMAN. You have found excess stocks to some degree or other in all 14



countries (the number of countries in which the GAO has examined the military assistance program)?

Mr. BAILEY. It is fairly general. Outside the NATO area, I think we could say in almost any country.

Mr. Chairman, all of us realize, of course, that we are now engaged in a cold war on the outcome of which our very survival might depend.

Our enemies in the Kremlin have told us—and the world—that they shall win and we will lose.

So we in the Congress surely must come to the understanding, without further undue delay, that we can no longer afford political extravagance here in Washington—while our country bleeds with a national debt exceeding \$286 billion—which is a greater amount by many billions of dollars than the combined debts of all the other countries of the world.

Such a course, I am convinced, could lead straight toward possible national bankruptcy; toward the possible repudiation of our money through inflation; toward weakening the great middle group of Americans, whose energy and self-reliance have contributed so much to making our country the envy of all people everywhere.

May I remind you of a few facts which cannot be successfully contradicted:

First. We cannot spend ourselves rich.

Second. We cannot make ourselves secure by giving ourselves away.

Third. We cannot buy friends. We have tried, but they do not stay bought.

We were once told, for example, that foreign aid would stop communism. Now we are told it is our duty to buy our way of life for countries all over the world. But we cannot, in fact, improve their living standards by as much as 1 percent, even if we should give away everything we own and treasure.

If we are to win this life-and-death struggle between the United States and Communist Russia, we must think of something else to do other than to spend money—for one reason, even if there were no others, that we are rapidly approaching the time when it is quite possible we will not have any more money to spend.

We continue to pour tens of millions into Yugoslavia, Poland, and Indonesia, despite the fact that the dictators who rule those Communist police states would likely shoot at us, and not with us, if war should come.

Demands are being made for more hundreds of millions to pour into Nehru's India. Last year India received more than a third of a billion dollars in grants and so-called loans. Here, too, strict neutrality, or worse, would likely prevail if the chips were down for us.

I should also like to point out, Mr. Chairman, that American private industry alone invests about \$2 billion a year abroad, and our private charities and foundations increase this by sending some \$500 million a year abroad. So, even if we had no foreign aid spending at all, the United States would be investing, through private industry, charities, and foundations, approximately 66 times as much abroad as the Soviet Union is

reported to be lending—at a profit—every year.

Our monetary gold stock stood, at a recent date, at about \$20 billion, the lowest since 1947. It is now becoming generally recognized that European bankers and industrialists are, in their own self-interest, increasingly concerned about the value of the American dollar.

The waste and the inefficiency of our global foreign aid, some of which I have pointed out to you today, serve as a symbol for growing and uncontrolled extravagance throughout every department and agency of our Federal establishment. This is one of its greatest evils.

Foreign aid is now one of the largest items in our Federal budget. Foreign aid expenditures since the end of World War II have cost the American taxpayer \$82 billion, and amount to the equivalent of more than one-quarter of our staggering national debt. The annual interest alone for this part of our debt is in excess of \$3 billion.

In 1948, about 450 people were employed to distribute foreign aid. Now, 11 years and more than \$82 billion later, the global foreign aid payroll has grown to 53,600 people—if you include the 10,000 trainees now being paid an average of \$5,000 annually—most of whom battle to perpetuate and enlarge the giving and to preserve their inflated and overstuffed bureaucracy.

If we—today's Members of Congress—do not want to stop this for the Nation's taxpayers, surely we owe it to those who will come after us to assure them the same type of advantages and the same type of country that we inherited. We do not have the right to mortgage American babies still in their cribs or generations yet unborn.

The time has come to cut foreign aid to fit the needs—with our national debt exceeding \$286 billion.

I am convinced that we can never hope to hold our own, much less win the cold war, until we—

First. Stop the spending trend which is leading us to bankruptcy. Not only must our great deficits be reduced, but our staggering national debt must be cut down as well.

Second. That we stop inflation by practicing prudent economy throughout our Government, just as every individual American would be forced to do if faced with personal distress and possible disaster.

Third. That we stop the river of waste occasioned by the extravagance and inefficiency of our Government's insistence to perpetuate and enlarge our global aid programs.

I believe sincerely that only if we do these things can we hold our own, and eventually win the cold war.

That is harsh reality. We must so recognize it—and accept it, and deal with it accordingly.

Mr. Chairman, I should point out to this body that this year's \$4 billion request for the aid program represented, as usual, what the bureaucrats would like to have to keep their machine operating according to their tastes and not, as some would have you believe, an

amount of funds that is essential for our security.

It is a well-established fact that the aid estimates are grossly inflated each year.

It amounts to this: The agency bosses want, in practical effect, a blank check, to use at will, while avoiding a valid accounting for their operations. Therefore, the only real immediate solution to the very many problems involved is a cleanup, situation by situation, with the decisions on the appropriations being made item by item. That is a task which our committee has undertaken to the fullest extent of our abilities.

In connection with this comment, it is appropriate for me to mention that during the past 4 years—in the face of the same type of pressures and propaganda now being exerted and used—the Congress has cut the funds requested for the program by nearly \$3 billion. The program has not been damaged thereby. It has, in fact, been improved; and there is an abundance of evidence to support this statement.

I shall quote here from one of many statements of record in our subcommittee's hearings to support that latter statement which I made. Last year. I was questioning the Honorable Mansfield D. Sprague, Assistant Secretary of Defense for International Security Affairs. I refer to pages 251 and 252 of those hearings. Here are the colloquies:

Mr. PASSMAN. Mr. Secretary, there has been a tremendous amount of publicity given to the foreign aid program \* \* \*, indicating the great damage that has been done to this program in the past. However, using the figures that you have given to us in your forthright report \* \* \*, and the reduced amount of obligatory authority for fiscal 1959, would the data not indicate that the program has been operating on a satisfactory basis, and that our commitments are being lived up to in a reasonable manner? \* \* \*

Mr. SPRAGUE. I feel that your statement is substantially correct. \* \* \*

Mr. PASSMAN. I think you are very fair in stating that substantially my statements are correct in that respect.

Mr. SPRAGUE. The reductions that the Congress has effectuated in the program have assisted the executive branch in administering the program in a more efficient manner; there is no question about that.

I say to you, Mr. Chairman, that there was no evidence presented in the lengthy and detailed hearings this year which would refute that declaration made by Mr. Sprague by as much as one iota.

The bill now before the committee, a request for an appropriation for the mutual security program for fiscal 1960, is the culmination, as I have previously indicated to you, of many long, hard days, nights and weeks of hearings and careful consideration by members of the Foreign Operations Subcommittee on Appropriations.

In further discussion of the bill, I shall continue to be factual and use only the record and memory to fortify the committee's position. Reams and reams of the information on which they attempted to justify excessive amounts are marked secret and classified and, to some extent at least, this is the work of the fixers which makes it difficult to answer many questions. Neverthe-



less, I shall perform my prescribed duties to the fullest extent of my ability.

Even though the committee has been confronted with unprecedented pressure from without and within, our recommendations reached after tedious study have withstood the acid test, from without as well as from within.

We trust that the membership of this great body will consider the committee's recommendations upon the basis of merit, upon the basis of fact, upon the basis of admissions, and upon the basis of need. If such an approach is taken, then you will approve the recommendations of your committee.

I should like at this time to thank the hard-working members of the Foreign Operations Appropriations Subcommittee for the cooperation and understanding they extended to me during the long and difficult period of hearings.

I want to pay particular tribute to a former chairman of the subcommittee, a man of unimpeachable integrity who is uncompromising with right. This great American has helped guide me through many dark valleys of uncertainties and offered me much sound advice. At the time I was placed under him 11 years ago on another subcommittee of which he is chairman, he suggested that if I wanted the esteem and respect of the Members of Congress I should never bow to political expediency at the expense of sacrificing principle. I have followed his advice and accepted his help with no regrets. I refer to my beloved and honored colleague, J. VAUGHAN GARY, of Virginia.

Mr. Chairman, I should like to list a few of those who enjoy substantial windfalls from the mammoth foreign-aid program:

First. Printing and publishing industry—books, newspapers, magazines, and periodicals.

Second. Motion picture industry.

Third. The great shipping industry, because the law provides that 50 percent of the shipments must move in American bottoms.

Fourth. Manufacturing interests—tens of billions of dollars is a terrific windfall for those who have something to sell.

Fifth. Export and import firms.

Sixth. Substantial profits for large commercial banking institutions.

Seventh. Colleges and universities—tens of millions of dollars annually.

Eighth. The clergy has an interest because there is an appeal in the bill that attracts their support.

Ninth. Military—because it gives them an opportunity to shift to the foreign aid program equipment and material which they wish to get rid of on account of their excessive, unmanageable, wasteful procurement procedures, usually by inexperienced personnel.

Now, Mr. Chairman, although I have already documented my remarks with factual quotations from the record of our hearings, it might be well at this time, before concluding, to add a few more. Therefore, I invite your continued attention.

For another typical reference to military assistance program operations, I refer you to page 457 of the hearings. I quote:

Mr. PASSMAN. It [the report] continues: "That apartment houses for civilians were found to be under construction using material and equipment supplied by the United States for military construction."

Has that malpractice been discontinued?

Mr. SHUFF. That has been discontinued.

Here, again, it should be noted that there is no denial of the existence of the condition.

And another item, which also clearly points up the unsoundness of the program—quoting from pages 440 to 444, inclusive, and also page 609:

Mr. PASSMAN. Although many of the incidents I have in mind are doubtless accurately reported in the press, they still remain classified as far as this subcommittee and the Congress are concerned. I am going to refer to one country in this case as country X.

"In an examination the official proposal is to send that semiprimitive country 12 saber jet fighter planes that would amount to \$12 million in military aid. The program for welfare measures in that country amounts to only some \$300,000. So the questions are asked: What purpose will these modern planes serve in country X, whom will they be used against, with what results, how much more money will that poverty-stricken nation have to spend for piloting, training, upkeep for airfields, facilities, etc.?"

Mr. SHUFF. These programs, these military assistance programs, are never entirely motivated by military. \* \* \* It has the political element. \* \* \*

Mr. PASSMAN. The distinguished Secretary did indicate that country X was probably given these plans because the leader of the country had a desire for them; that, had it been left to the judgment of our own officials, they might have preferred to give that country something else. \* \* \*

We are programming the delivery of 12 jet aircraft. On a streamlined program, if we had convinced them that we had funds whereby we could schedule only six of the jet aircraft, do you think we could have satisfied the individual leader of this country, as the transaction is more or less political, for internal matters?

Mr. SATTERTHWAIT. They (the country team and our Ambassador there) had the feeling they could not get along with less than 12 and satisfy our political objectives there.

Mr. PASSMAN. Political objectives?

Mr. SATTERTHWAIT. Yes, sir.

Mr. Chairman, we hear about Russian gifts to one country and another, although there is no evidence that Russia has made gifts, but, rather, that it has received something of tangible value in return, usually a profit, through the deals it has made. The situation in Burma illustrates the point. So I shall now quote from a colloquy at page 1605 of the hearings:

Mr. PASSMAN. I was in Burma and saw evidence, but we found out later the Burmese had given the equivalent to Russia in rice. I believe you say now it has been their policy when Russia does something for them, they, in turn, do something for Russia, to offset the cost?

Mr. MURPHY. That is my understanding.

Continuing to another category—technical cooperation—for which Secretary

Dillon says there is overprogramming, I quote from page 335 of the hearings:

Mr. PASSMAN. Mr. Secretary, is it not true that top-level officials have stated the technical assistance category of aid is overprogrammed this year by in excess of some \$10 million?

Mr. DILLON. I do think that if we had been making up those figures now, the chances are that we would have recommended somewhat less in that particular category.

Mr. PASSMAN. By what amount less, Mr. Secretary?

Mr. DILLON. In the bilateral programs. We have not figured it out in detail \* \* \* but I would say up to something like \$10 million.

Documentation of this type, with respect to the various categories of the foreign aid program, could be continued on and on and on. However, for the present, I shall quote from only one more colloquy—referring you to page 1496 of the hearings:

Mr. PASSMAN. I hope the honorable commissioner will pardon me when I pose the same question to him that I did in 1958:

"Would you approve if the committee and the Congress should appropriate money for all departments, to the amount of about \$74 billion a year, on the basis of the type of justification you have made this morning?"

"Would you not feel a bit uncertain that we did not require agencies to justify their programs?"

"Mr. VANCE. Yes, sir; you are very right."

Mr. PASSMAN. Would you care to comment?

Mr. VANCE. The same answer as in 1958, sir.

Mr. PASSMAN. I want to thank you very kindly for being just as forthright now as you were then. Your answer was: "Yes, sir; you are very right."

But notwithstanding the facts as they are, Mr. Chairman, the Department heads downtown continue to attempt to warp my statements, placing their own interpretations—or, rather, misinterpretations—upon the certified statistical data and other evidence.

The committee is recommending an amount abundantly adequate to accomplish the objectives of the program, even the questionable objectives and even accepting some rather weak justifications. And the committee is fully fortified in its position by clear-cut admissions by officials of the agencies involved.

It has been my privilege and high honor for 5 years to help present this bill for your consideration. This committee has not misled you. The record of the past 4 years will sustain the committee's position and will sustain with credit every Member who supports the committee's current findings and recommendations.

The committee desires your vote and support, based upon its past performance. I plead with you to support the committee's position because you will be on solid ground.

The committee has tried to do a creditable job for you. I am sure I speak for a majority of the members of our subcommittee and the full Committee on Appropriations when I repeat that our recommendations are based upon fact, and not fiction. Our case has been laid on solid rock.



The CHAIRMAN. The gentleman from Louisiana has consumed 57 minutes.

Mr. TABER. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. TABER. Mr. Chairman, frankly I do not expect to offer any amendments to this bill. There are two items I wish were a little larger and two that I feel are too large, but taking the bill by and large I feel I can pretty generally support it.

There is one thing that bothers me very much and I want to explain that; that is the Development Loan Fund. The word "loan" is fictitious. That should be thoroughly understood by the public and by the Members of Congress. It is fictitious, because the loans that are made to these countries are paid back to the extent of 80 percent in local currencies, which we all know we cannot use; in fact, it creates a situation where it is not a loan at all.

I want to see everything possible done for the improvement of our relations with other people, but this thing is such an abdication of the powers of Congress presently and in the days to come that I cannot let the situation go by without giving a picture of it and going into it at least to the extent that those interested will be alerted to what is going on.

If, for instance, under this corporation that has been set up we lend \$100 million to Egypt in connection with the Aswan Dam the only way we can be paid back even 80 percent, or \$80 million, would be through the acceptance of local currency and that could not be used for the purchase of things that would be brought back to this country. In other words, if we get the currency and the corporation uses it to buy something, we just could not take it out of Egypt.

The payments under the Development Loan Fund are in local currencies and the payments do not go to the Treasury of the United States, but to the Development Loan Fund as a revolving fund.

Frankly, I hope the Congress will soon get to the point where it realizes what is being done in this Development Loan Fund operation and get to the point where it realizes that this is a complete delegation of the authority of Congress over the period during which these so-called repayments are to be made, and that it is not anything that we really ought to be developing and getting into.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Under the Development Loan Fund these loans are not made on the basis of 80 percent local currency and 20 percent in dollars. The loans are made to underdeveloped countries on the basis of 100 percent local currencies. The 20 percent comes in when the loan is made to countries with a currency which may be on a par with our dollar. In the remaining countries 100 percent comes back in local currencies.

Mr. TABER. That is correct, but there is a possibility that something might come into the Treasury as a result of the 20 percent; that possibility is small.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Iowa.

Mr. GROSS. That will assure enough money this fall so that all Members of Congress will be taken care of when they take a trip to foreign countries, will it not?

Mr. TABER. I do not believe the gentleman from Iowa or the gentleman from New York, who is presently speaking, will attempt to get in on that.

Mr. GROSS. I just wanted to be sure that there is enough money over there to take care of the exodus that will take place this fall.

Mr. TABER. I do not know anything about the exodus. If I go anywhere this fall, I am going on my own and at my own expense. I do not know anything about this exodus business.

Mr. GROSS. The gentleman from Minnesota has spoken of the genesis, that being the Development Loan Fund, the outpouring of American dollars to foreign countries through that process.

Mr. TABER. Do you really think somebody is going across there to eat up some of the local currency?

Mr. GROSS. My friend the gentleman from Minnesota [Mr. Judd] suggested the genesis part of the thing. He helped to provide it, and I think it ought to be in the RECORD.

Mr. TABER. Maybe that is right. I do not feel that I should let this situation go by without at least mentioning the situation.

There is one cut here I do not think is deep enough, and that is for technical authorization. I am afraid that the United Nations expanded program of technical assistance is going to be something that we will rue in the days to come. The general authorization which is used in other places than through the United Nations is running into a number of places where it is being abused very much. I do not believe that we really ought to be getting into that situation the way we have been. I do not believe that they have been able to present a decent account of what they do with the money and how it was spent.

The items for Military Assistance and Defense Support are the only part of the bill that really makes much of an appeal to me, because there we do something to maintain the peace of the world and to keep the folks in the Philippines, Korea, Formosa, Vietnam, Pakistan, Turkey, Greece, and a number of these other countries in shape so that they can maintain their armies to do the things that need to be done. That is the only reason I am here supporting the bill.

I hope that we will be able to pass the bill without any substantial amendment, and I hope it will do the things that the committee has hoped it would do to help maintain the peace of the world.

Mr. Chairman, I now yield 10 minutes to the gentleman from Michigan [Mr. Ford].

(Mr. FORD asked and was given permission to revise and extend his remarks.)

Mr. FORD. Mr. Chairman, the record is clear that over the period of 11 sessions of this Congress I have consistently supported the mutual security program whether it has been advocated by a Democratic President or a Republican President, whether it has been guided through the Congress by a Democratic or a Republican majority. I intend to support the program as long as I feel that it is justified; justified for the benefit of the United States not justified for any other purpose. And, it is my opinion that this appropriation bill which is before us today fits into that pattern. It is an appropriation bill for the benefit of the United States and the free world, with the primary emphasis on the former.

Although I subscribe to and intend to defend the recommendations of the subcommittee and the full Committee on Appropriations, I am not entirely pleased or happy with the individual recommendations within the total. As those on the subcommittee know, on the markup I did not vote for several item reductions, and I did not support certain specific figures that are included in the bill before you. However, when you look at the total from the point of view of the authorization request, the appropriation request from the executive branch of the Government, and the authorization bill, the reductions made are better, percentage-wise, than we have done before at this stage of the ball game. And, of course, it is my hope that in conference in subsequent weeks we may make certain adjustments upward in those programs where I have strong personal feelings from the point of view of our country.

In the two or three areas that I think are adversely affected by this committee's recommendation, it is my judgment that the cut in military assistance is too deep. The President recommended a program of \$1.6 billion for fiscal 1960. The authorization bill authorizes \$1.4 billion. The bill before you provides \$1.3 billion. These reductions in and of themselves are deep enough, too deep, as a matter of fact. However, when you view them in relationship to the recommendations of the Draper report, which came out subsequent to the submission of the budget, they are extremely serious.

These reductions will have an adverse impact on our overall U.S. military strength. We consider, in the national security program of the United States, the contributions made by our allies, those who are supported by this program. Of course, our own defense program for the Army, the Navy, and the Air Force is an integral part of the defense program of our allies. It is a mutual program. When we provide \$40 billion or \$41 billion for the Army, the Navy, and the Air Force of our country, it becomes a contribution to the mutual defense of the free world, and when we make an appropriation here for military assistance for



our allies, that, plus the valuable contributions made by our allies, is a part of the defense program for all of us. Without saying more on this point, I categorically believe that the subcommittee should have recommended the full amount authorized in the military assistance program.

Secondly, I deplore the reductions which were made in the defense support portion of this bill. A quick review of the figures is as follows: The President recommended \$835 million. The House and the Senate agreed in conference on the authorization bill that the total should be \$751 million. This committee has come out with a recommendation for \$700 million.

The defense support program is economic assistance. No one denies it. It is economic assistance, however, for those countries aligned with us that circle the Soviet Union or its satellites. They are on the periphery of the Soviet Union and bordering the satellites of the Soviet Union. These countries have military programs well beyond their own means. In order to support this kind of a military program they have to have economic assistance including budget support.

It is my recollection that in the defense support obligations for the fiscal year 1959, something in the area of \$113 million went for budget support. That is just a cold, practical need and necessity if these countries are to stand with us, with forces that are adequate for our mutual defense.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. FORD. I am delighted to yield to the gentleman.

Mr. BAILEY. Does the gentleman mean to say that we are assuming the responsibility of balancing the budgets of these other nations while we are having difficulty in balancing our own at home?

Mr. FORD. I say to the gentleman from West Virginia that even these contributions will not achieve the objective to which he refers. They are aimed at achieving a military strength for those countries to coincide with our own so that our mutual defense efforts will be adequate against the Soviet Union.

May I now talk about a proviso in the bill that I think is a serious one in this legislation?

There is a proviso which says that out of the \$700 million of defense support no less than \$50 million shall be earmarked for Spain. That results in very serious discrimination against some very important and friendly allies of the United States.

Under the figure of \$835 million for defense support which the President recommended in the first instance, Spain's part was to be \$40 million. I do not recall what that percentage would be, but it is easy to figure out. Now, in this bill, the committee has reduced the overall total for defense support to the figure of \$700 million, a cut of about \$135 million. At the same time this committee is recommending that we earmark \$50 million for Spain, which is \$10 million more than the President recommended

as a part of the program. The net result is that you have this paradox. By this proviso we have increased the amount for Spain from \$40 million to \$50 million, while the total for all countries is being cut down to a dangerously low level. The final outcome is an expanded percentage for Spain. The serious point is that the percentage of funds and the dollar amounts for our other equally friendly and equally effective allies is going down.

May I point out who are some of those allies who will be suffering as a result of this rider on an appropriation bill? South Korea, Republic of China, Vietnam, Philippines, Laos, Cambodia, Thailand, Pakistan, Iran, Turkey, Greece.

The net result is that we are taking serious steps against good friends discriminating against good and staunch allies to the overgenerous benefit of another good ally, Spain.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield.

Mr. JUDD. To put it another way, the committee cut the overall defense support 16 percent, and then out of the reduced total increased the defense support for one country by 25 percent. It amounts to about 20-percent cut for 11 countries and a 25-percent increase for 1 country. Does the gentleman know of anything in the situation that justifies such an action?

Mr. FORD. All I can say to the gentleman from Minnesota is that I did not agree to the provision in the committee and now I am trying to express my disagreement with the provision and with the policy on the floor of the House.

Mr. JUDD. And the gentleman is not opposed to aid to Spain any more than I am. It is a question of not throwing the whole program out of balance; is it not?

Mr. FORD. I thoroughly agree that Spain has been a staunch and strong ally and needs our help. I have seen the bases we have there for our Air Force and our Navy in Spain. They are an integral part of our defense program. But, I do not believe in discrimination against one friend for the benefit of another equally good friend.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield.

Mr. PASSMAN. Notwithstanding the gentleman's views, and I respect them, every year that we have earmarked a certain amount of money for Spain, the administration has spent much more money out of defense support funds for Spain than the amount earmarked.

Mr. FORD. I think that is true. The gentleman and I have discussed this matter at considerable length. I am hoping that we may have a more satisfactory conclusion in 1961.

There is one other part of the program which I think deserves comment. For several years now we have had submitted to us a request for funds for construction of a powerplant in the Ryukyus. After listening to the testimony, the committee did not go along with the program. However, the distinguished chairman of our subcommittee made a personal visit to Okinawa. I think it was

in the fall of 1958. Others were there before. They came back convinced that now is the time to proceed with this project. The administration made a request for \$10 million for the construction of a powerplant in Okinawa in the fiscal year 1960 or with funds provided in the fiscal year 1960. In the testimony presented to us, it developed that this \$10 million request was only the first increment for the construction of this needed powerplant. The testimony further indicated that their best estimates today of the ultimate cost of this program would be \$18 million. We went into that with the utmost care. We pinned them down and they categorically said that \$18 million is the figure—period. This committee has taken a step which I think is right. Instead of giving them the \$10 million that they requested for partial funding in fiscal 1960, we have said, "We believe you. We have urged you to make the most careful analysis and come up with the best engineering cost figures. You have told us the total ultimate conclusive figure will be \$18 million. We believe you are right, but we are also going to pin you down to it. This is the last money you get. You build it within the \$18 million." If any of the 11 or 13 members of our subcommittee are here in the future, I do not think they will get another nickel for this program.

I, for one, will never vote for it and will never authorize it. This is it. That is the total, once and for all.

Mr. PASSMAN. I support the gentleman's views.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield.

Mr. BOW. I wonder if the gentleman can tell us about this Okinawa powerplant—whether the power we are generating there is for the benefit of American troops or whether we are generating power which will be sold to the local Japanese power authorities and resold to the civilian population of Okinawa.

Mr. FORD. The facts are, as I recall them, that about 80 percent of the power generated goes to support the military installations of the United States. We have a Marine division there. We have a big Strategic Air Command operation there. We are intending to provide certain antiaircraft missile installations. We are intending to provide certain surface-to-air missile installations in that area. The primary need for electrical energy on Okinawa is because of the U.S. military forces. The remainder of the electrical energy is sold to a local company which, in turn, sells the power to the local people.

Mr. BOW. Will the gentleman tell us whether or not there is anything in the bill which provides the amount or rate at which the local power company can resell the power? In other words, we sell to this local agency for a certain amount. Is there any limitation as to the amount of profit the local Japanese company can make on the power they purchase from us?

Mr. FORD. I must confess I cannot give the gentleman a categorical answer.



Mr. PASSMAN. If the gentleman will yield I can answer his question.

Mr. FORD. I yield.

Mr. PASSMAN. If there should ever come a time when the military needs all of the power, then the military will have a claim on 100 percent of the power generated. Prior to that it is on a 75-25 basis.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Virginia.

Mr. GARY. Let me say to the gentleman that this is not a Japanese company; it is a company set up by the U.S. Government, and it is under the control of the U.S. Government.

Mr. FORD. I thank the gentleman from Virginia for his contribution.

In conclusion, may I say, Mr. Chairman, although I have reservations about the distribution of the total reduction, I think the chairman of this subcommittee has done a good job. Maybe he would not want praise from me in this regard, because in the past we have had some differences of opinion, but I want to say to the Members of this body that I intend to support the bill, as reported, hoping that improvements can be effectuated when we go to conference.

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. Judd].

Mr. JUDD. Mr. Chairman, I am sorry that the Committee on Appropriations saw fit to deny funds for several programs that were in the authorization bill. It seems a little rough to have the Congress by substantial majorities in both Houses pass a bill on Wednesday establishing the policies to be followed in this program, and the President sign the bill on Thursday, and then this subcommittee on Friday say that much of what the Congress itself decided 2 days before should be done, shall not be done. Just why do we have the Committee on Foreign Affairs and the Committee on Foreign Relations?

Mr. Chairman, I am happy that one of the things this committee has left in is the provision, originally inserted by the House Foreign Affairs Committee and accepted by the other body and the Congress, setting up the Office of Inspector General and Comptroller in the State Department. All the bad things that the gentleman from Louisiana has told us are true. We have exposed them again and again, and more, in our Foreign Affairs Committee investigations and hearings. But we are not out to discredit or weaken the program. We know that these criticisms apply to a very small percentage of the total number of projects. What we want is to devise new control mechanisms in the administration of the program so as to prevent the abuses, or mistakes, or errors, or occasional corruption that we know have existed in some places at times.

Today I should like to confine my remarks primarily to the \$100 million further cut made in the military assistance program. When this program was first started I was one of the relatively few who said then that a military assistance program by and of itself was not

enough, that we had to do something for people, and therefore advocated more emphasis on economic and technical assistance. But recently I fear we have tended to go almost too far in that direction. What good will economic aid do them if they do not have the military strength to defend themselves? So I would like to reinstate the extra \$100 million cut from the military assistance program.

The reduced authorization of \$1.4 billion resulted from a somewhat unusual situation which was not anticipated, I think, by anybody. I am not talking out of school; everybody knows that in the foreign aid bill the House generally authorizes or appropriates a smaller amount than it thinks the figure probably ought to be, assuming that the other body will increase it, and then in conference we will split the difference and arrive at the proper amount. The Foreign Affairs Committee did that, some saying frankly that if our figure was about \$1.4 billion the Senate would increase it to \$1.6 billion and the final figure would be about \$1.5 billion.

You know what happened. Instead of the Senate upping our figure of \$1.44 billion, as it usually does, it cut it to \$1.3 billion. There were several reasons for that. One was that the Senators were piqued by the repeated charge that they are the great spenders; and, second, the President vetoed the housing bill at just the time of voting on MSA. Several Members gave way to their displeasure at his veto and their determination to show the President that they were not the spenders by voting to reduce drastically their own committee's recommendations. So, instead of increasing to \$1.6 billion the amount in the House bill for military assistance, they cut it to \$1.3 billion, and the net result was that we could not raise our figure in conference. I might add that the first proposal of the Senate conferees was to propose our figure. And we could not accept the offer. A majority of the House conferees thought it would bring the total in the bill to more than the House would approve. It was the funniest conference I ever participated in. They did not defend their bill's figure, and we did not defend ours. So the authorization came out at \$1.4 billion, below what had been intended or expected, I think, by most Members of either body. The further cut of \$100 million made by the Appropriations Committee is, in my judgment, too deep and is dangerous.

I hope that the full authorization of \$1.4 billion can be restored in the other body and accepted by our conferees.

The question is not what happens to prestige of the House or to that of the Senate, but what is to happen to our Nation's interests. Sometimes we act as if we were not at war—and in the most perilous situation, in which the United States has ever been—more dangerous than any other in our history, partly because it does not look like war, and, therefore, we do not go all-out to do the things necessary to win.

Let us ask first, Are the Communists a threat to us? If not, then we should cut down our own military budget by \$25

billion a year. But everybody will agree that the Communist threat is more dangerous than ever. They have greater power, and boldness.

Second, if it is a dangerous threat, is it better for us to try to meet it alone? Or with allies? Surely we will agree that it is better to fight it with allies; to work with others to build a strong collective security, worldwide.

How do the two sides stack up today?

The Communists undeniably lead in certain things. They lead in manpower. They lead in territory. They roughly equal us in natural resources. To be sure, we have access to greater resources than they, but only because we have loyal allies as a result of this program. They have greater resources than we under their actual control.

They lead us in land forces. They lead us in tank forces. They lead us in submarine forces, except for five or six atomic-powered submarines. They lead us in air power, with the exception of long-range bombers.

They approach equality, or at least adequacy in atomic weapons. If they have enough to cripple us in a surprise attack, they do not need any more.

They are somewhat ahead of us, most believe, in long-range missiles. That is a pretty formidable threat.

Where do we lead? We lead in about four fields. We have the largest and strongest surface Navy in the world. We lead in industrial capacity, but they are narrowing that gap year by year. They are catching up; and there is no guarantee that they cannot match us here, given time.

We also lead them in forward bases, some 250 of them close to the Communist borders, from which bases we can destroy them, even if they were to attack and cripple the United States itself. The only reason you and I have been able to sleep in safety for 5 years—and the only reason we are reasonably safe tonight—is because we have these overseas bases. And why do we have these bases? There is only one reason: we have allies. This is our fourth superiority.

And we have allies because of this program. Without it most of them could not long stay out of the Communist's grasp and continue to make their soil available to us for joint bases that protect both them and us.

Mr. Chairman, this bill is about allies. It is to enable us, we hope, to keep the one ace card we have today that the Communists cannot match. We can keep it as long as our allies have confidence in us and our steadfastness. We will lose it if they think we are growing tired or hesitant or are weakening in our basic assistance. Most of them are not strong enough to resist alone.

Mr. Chairman, it would seem to me incredibly shortsighted and recklessly foolish for us to endanger alliances which make possible the 250 bases that we would not otherwise have. To cut this program too deeply will endanger these alliances. Perhaps not right away, but it begins to shake their confidence to cut as deeply as the subcommittee has.



If any one has any doubts as to the importance of the oversea bases, and therefore of our alliances, and therefore of this bill, let him examine the words and actions of Mr. Khrushchev these very days. In about every third interchange with Vice President Nixon, he says bluntly:

Let us not beat around the bush. The thing we are interested in is getting American bases out of other countries.

The worst thing we could do for ourselves would be to help him achieve that goal by cutting down too steeply the mutual security programs which alone enable us to keep those bases, and keep them strong. I do not want to help him and I fear these reductions go a long way toward doing just that.

The mutual security program operates by seeking to assist countries to do the thing they themselves want most to do; namely to preserve their national independence, to lift their economic standard, to work toward better government, and better living conditions. To help them do these things helps us as well as them. It denies control of their manpower resources and territory to our enemies; and most of them want us to build bases on their soil, because that gives them greater security too.

We and they have formed these alliances because it is in their interest to do so, and it is in our own interest to do so. It is as simple as that.

At this point someone usually objects, "But it is not possible to buy friends." Of course, it is not possible to buy friends, either in personal or in international relations. But we are not trying by this program to buy friends; it cannot be done. What we are trying to do is to establish and maintain mutually beneficial partnerships.

They cannot defend themselves without us as partners; we can defend ourselves more easily, more surely, and more cheaply if we have them as partners. We would like also to be good friends, but that is not primary.

We are now trying to strengthen these partnerships so that they will give mutual security. They want to defend their independence; we want to defend ours. We can all do it better by working together. And for us to take any step that might shake their confidence in us and in the dependability of their alliance with us can only serve to do those very things that the Kremlin wants most of all to accomplish.

On every occasion they, or their supporters, are always urging us to give up three things: our bombs, our bases, and our allies; that is, all that we have. Bombs, bases, and allies are the main things in which we have superiority. If we were to lose or give up these, they with their superiority in manpower, land forces, territory, and inside lines of communication, could take over the whole world piece by piece.

I do not want to be party to any such dangerous action by the Congress. I want the record to show that many of us in the House hope that the other body will restore the full amount authorized for military assistance, and also for defense support; and that the House

conferees will go along. I do not criticize those who have made these cuts. I know they are as patriotic and as sincere as I hope they believe I am. It just seems to me, after studying this program and the world situation it deals with as long and closely as anyone, that we will be playing fast and loose with our own security if this program is weakened in any essential part. I realize how frustrating and difficult it is to keep our relations with all these countries in good repair. Napoleon once said: "Deliver me from having to fight a war with a coalition." Well, we have to fight this cold war with a coalition.

In the Soviet Union one man can make the decisions. We have to consult, to compromise, to cajole, in order to get a position. The smallest slight can upset it, however unintended. It reminds me of the old story we heard in 1927 when Lindbergh flew the ocean. A lady dashed in where her husband was reading and shouted: "He made it. Is that not wonderful?" The gentleman asked, "Who made what?" She said, "Lindbergh, he flew to Paris alone." The husband looked back into his newspaper and said, "Let him try to do it with a committee."

That is our problem—to save ourselves and the free world with a committee. We are leader of a giant coalition of 40 or 50 different countries. They have their dignity; they have their feelings; they have their aspirations and their ideas of what to do. It is harder to receive than it is to give. They must be forbearing with us and we with them. The stakes are so great for all that we must not do anything that might weaken their confidence in the determination and the strength of the United States.

Mr. PASSMAN. Mr. Chairman, I yield myself such time as I may desire.

I assure the gentleman that if he believes the committee is in a position where we will not be able to reach agreement, or, either, that we shall be capitulating to the other body, then I might as well be discharged now. I certainly have no such intentions.

Mr. JUDD. I did not in the least suggest that you would. I said that I hoped your committee would go along if the Senate increases the amounts.

Mr. PASSMAN. Since this program has been in effect we have given in military aid \$41 billion. I asked the Assistant Secretary of Defense to give me a letter with a statement showing how much equipment was on hand. He said that for the Middle East 92 percent was on hand, fit for combat. Warehouses all over the world are overflowing with this military equipment. In addition to the \$41 billion, and with the 92 percent on hand, we have \$1.5 billion in foreign currency that can be plowed back into the program. Further, we have recommended \$3,860 million in new money. I will say to the gentleman also that \$47 million will be coming back into the program from the sale of equipment this year. If the gentleman would study the record, he would be on better grounds in his argument.

Mr. JUDD. Did not this Congress spend \$40 billion for our own Defense

Establishment last year? And did we not do it again this year? And will we not have to do it next year also? The future does not depend just on how much we have done in the past. It is what we need to do now that concerns me. I do not want to delay the modernization of weapons that the forces of some of our allies need. I am sure that will happen as a result of this cut.

Mr. PASSMAN. When you keep loading the warehouses all over the world with tanks, guns, and ammunition, forcing the nations to accept more than they can utilize, and the materiel is going to waste, I say it is time to do something about it. A lot of the Members feel that this military program should have been cut at least \$300 million more.

Mr. JUDD. The gentleman knows that the President set up a special committee, headed by General Draper, and including men like General Gruenther, Admiral Radford, and others. They are very dedicated men and they are not in the Government with axes to grind. They are real experts. They have studied this program throughout the world in person, and they say our military assistance ought to be \$2 billion.

Mr. PASSMAN. I have a lot of respect for those men, but if this committee had not functioned the way the Executive wanted, they would have likely been fired, just as Mr. Benjamin Fairless' recommendations were rejected. The Draper Committee's recommendations were about as had been anticipated.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Virginia.

Mr. GARY. May I say that I agree absolutely with my good friend and colleague, the gentleman from Minnesota [Mr. Judd] as to the need. There never has been in our history a greater need for preparedness than today. Of course, we need our allies, and that is the reason I am supporting this bill at all. If that was not true, I would not be for any part of this bill. I believe that the bill is absolutely necessary for the mutual defense of the United States of America and our allies. However, we can go through our hearings and point out page after page where there has been extravagance and waste in the expenditure of funds, and what we have tried to do in this bill is to cut out the waste. Now, if the authorities in charge are going to continue that waste, maybe they will not have money enough to what is necessary, but if they will cut out the waste, I will say to you that this bill will provide ample funds for an adequate mutual defense program.

Mr. PASSMAN. I thank the distinguished gentleman from Virginia.

Mr. TABER. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. Curtis].

Mr. CURTIS of Massachusetts. Mr. Chairman, in order to get this matter into perspective, I wanted to ask the gentleman from Louisiana what the amount was of the defense appropriation bill for this year as compared with the \$40 billion of military aid that has been given over the years up to the present time?



Mr. PASSMAN. Is the gentleman speaking of our budget?

Mr. CURTIS of Massachusetts. The defense appropriation bill this year.

Mr. PASSMAN. Our subcommittee does not handle the Defense budget.

Mr. CURTIS of Massachusetts. Well, it was about \$40 billion, was it not?

Mr. PASSMAN. I think it was about \$40 billion.

Mr. CURTIS of Massachusetts. Does the gentleman not agree that the military experts told us that this military aid is just as important to our national defense as our own Defense budget is?

Mr. PASSMAN. Personally, I have never met an expert in military procurement.

Mr. CURTIS of Massachusetts. The gentleman spoke about waste and excessive supplies. Have we not heard the same things about our own Defense Establishment?

Mr. PASSMAN. I think the Department of Defense is just as guilty.

Mr. TABER. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. CONTE].

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Chairman, at the outset, I should like to congratulate the gentleman from Louisiana [Mr. PASSMAN] for the conscientious work he has performed over the 6 or 7 weeks that we heard testimony on this bill. However, Mr. Chairman, I disagree with his views and his philosophy. But I learned a long time ago in politics, when I was a member of the State senate, that we can disagree without becoming disagreeable.

Mr. Chairman, I have asked time to declare my vigorous disagreement with the action of the Appropriations Subcommittee and the full committee on this bill. I am shocked, amazed, and appalled by the arbitrary, almost capricious manner in which those in control have acted to slash the military assistance, defense support, special assistance, and technical cooperation and development loan programs entrusted to us.

I dissent from that action.

If time had permitted, I should have filed a formal dissent. I should like what I will now say to be regarded as such a dissent.

What has happened here?

The President of the United States has sent the Congress a request for \$3,930 million to carry forward programs of mutual security which he has said are vital to our own security, our own welfare, our own prosperity—as well as the security and well being of our friends in the world.

The Foreign Affairs Committee of this House held 11 weeks of hearings on this request. They reviewed not only the policies underlying the several categories of this program but also needs for funds for each such category. They concluded that the authorization could not safely be reduced more than \$366 million and that, in fact, the highly important Development Loan Fund should actually be increased \$100 million over the very con-

servative sum requested by the President.

This House in debate on the authorization bill chose to delete this recommended increase for the Development Loan Fund but turned back all efforts to cut the authorization further.

I do not think it will be a revelation to anybody when I say that many people in this House who voted for the authorization bill at a level \$366 million below the President's request did so in the firm conviction, based on past experience, that the other body would restore the program to the level needed.

But what happened? A bitter issue arose in the other body over a proposal to provide forward financing of the Development Loan Fund. The issue was whether or not the Appropriations Committees, particularly the committee of the House, were to be bypassed in providing capital for the Fund. At a time when it seemed that the decision would go against the appropriations process, the President of the United States cast his support behind the Appropriations Committees and the effort to circumvent them failed.

What has been the outcome?

First, the Members of the other body, angered at the President's intervention, momentarily withdrew their support of this program and its enemies were able to make cuts totaling \$383 million—which the other body would unquestionably have rejected under normal circumstances.

Second, the conferees between the two bodies, repairing the damage as best they could, set the authorization at \$3,576 million—a cut of \$353 million.

Third, the Appropriations Committee of this House has showed its gratitude for the President's confidence and support by arbitrarily slashing another \$390 million.

What are these cuts and what are their effects?

#### MILITARY ASSISTANCE COST

The military assistance program was cut \$100 million below the authorization, \$300 million below the President's request. The President himself declared in his message to the Congress that the \$1,600 million he asked was the minimum figure needed just to prevent serious deterioration of our collective security system. This full amount, he said, is far below the amount needed for our share of the cost of improving or even providing essential maintenance for the forces of our allies.

It has been argued to me that cuts have been made in past years, despite warnings from the President and high military officers, and no catastrophe has occurred. But such arguments omit one major fact: in past years there has been a pipeline of military materiel which the Congress has compelled the Executive to draw down year after year.

As the President told us in asking for the minimum figure of \$1,600 million for military assistance, continuation of a sufficient flow of materials and sufficient training for the year can be attained

only by some additional cannibalizing of the pipeline. The Defense Department's proposals for fiscal year 1960 already include drawing down the level of the pipeline by another \$300 million. But, as the President said, the pipeline is already reduced to a point where flexibility is difficult and the withdrawals already planned by the Pentagon are the absolute limit below which the efficiency and effectiveness of the program will deteriorate.

You may ask why, if this program is so important to our safety, the President did not ask for more funds.

The answer is, of course, that he asked for minimum funds pending a study of the program which he had commissioned by experts outside the Government. This study was made by a group of ten of the Nation's most able and respected private citizens—a bipartisan group including three distinguished military officers who had reached the highest commands in the Army, Navy and Air Force, two past directors of the Budget—one a Republican, one a Democrat—the Nation's outstanding banker, two leading businessmen, a former Democratic Under Secretary of State.

That committee of experts conducted months of study of the kind no congressional committee would undertake—or at least in my experience has undertaken. That committee heard detailed testimony from every appropriate responsible officer in Washington and in our military headquarters and diplomatic missions abroad. Finally these men concluded and reported that the request made by the President, far from being reducible, should be increased by \$400 million to provide urgently needed modernization of free world forces, particularly in the NATO area.

I cannot understand how any responsible citizen, let alone any Member of the Congress, can read the report of the Draper Committee which the President formally transmitted to the Congress with his approval on April 29 of this year, and then feel he is doing his duty by his country and by his constituents in cutting the program to \$1,300—\$300 million below the President's initial request, \$700 million below the figure this group of experts has told us is necessary.

A few days ago this House acted on the Department of Defense appropriation bill for \$40 billion. There was but three dissenting votes when we passed that bill.

Yet, as the President of the United States, the Commander in Chief of our military forces, the responsible executive head of our world-wide collective security program said to us when he sent us this mutual security request:

These two requests, one for our own defense forces, the other for our share in supporting the collective system, are but two elements in a single defense effort. Each is essential in the plans of the Joint Chiefs of Staff for our national security. Each is recommended by the same Joint Chiefs of Staff, the same Secretary of Defense, and the same Commander in Chief.

But when the request for our own defense forces is before us we jostle each other getting into line to support it—



while when its twin element in our single defense effort is before us, the air is blue with tirades of opposition.

Surely everyone in this House must know by now that our own national security depends on our collective security program. We maintain our Strategic Air Command and our other forces to provide a massive deterrent to Communist aggression. Yet much of the essential strength of SAC itself comes from bases made available to us by our allies and friends in Europe, north Africa, and the Far East and from the early warning systems, the defensive installations and the logistic support installations on the soil of these allies and friends.

Through our mutual security program our friends make available for use of our forces some 250 bases in as many strategic locations. They support ground forces totaling more than 5 million men—and this is important—stationed where the dangers of local attacks from Communist nations are gravest and prepared to defend their own homelands.

These allies also man 30,000 aircraft, including 14,000 jets—and 2,500 naval combat vessels—all enormously increasing the deterrent to Communist aggression and increasing the security of our own position in the world.

The President has asked only \$1.6 billion, 4 percent of our own defense budget, to continue this massive collective power. I consider this to be the great military bargain of all time. But it is now endangered by our arbitrary, unwarranted slash of nearly 20 percent.

Where will the damage be done?

First in Europe—I think every member of our subcommittee was impressed by the testimony of General Norstad, our NATO commander, as to the need for further, rapid modernization of NATO forces. I have already referred to the unanimous recommendation of the Draper committee that this should be done urgently.

But this cut—piled on top of the cut in the authorization bill—will mean that instead of moving forward we will actually have to curtail modernization programs for missiles and related equipment and for certain fighter and naval patrol aircraft.

In the Near East, where Soviet pressures are continually increasing, the cuts made will virtually eliminate fiscal year 1960 programming of funds for military construction projects and will reduce programs for ammunition, medium tanks, and fighter aircraft.

In the Far East, where there are three divided nations and only a few months ago a hot war flared, we will have to cut out modern naval aircraft for antisubmarine warfare, and certain naval craft and tanks.

These reductions in the strength of our allies can only tempt the Soviet and Chinese and Korean and Viet Minh Communists to probing attacks to uncover weaknesses in the free world's defenses.

These reductions coupled with thoughtless cries on the floor of the House for further slashes can create the false but deadly dangerous impression in the minds of Communist leaders that the United States is growing soft, that

we are tiring of the cold war, that we are weakening in our support of collective security—that their victory is in sight. Such a misconception could lead to actions with the most horrible potentialities.

This is all I have to say now on the military assistance item in this bill—but I think you might be interested to hear a few sentences from the Secretary of Defense, Mr. Neil McElroy, which he wrote to the President in a memorandum of June 15, 1959:

THE SECRETARY OF DEFENSE,  
Washington, June 15, 1959.

Memorandum for the President.

Subject: Appropriations for the military assistance program.

I have noted the action of the House Committee on Foreign Affairs in reducing the authorization for military assistance for fiscal year 1960 from the \$1.6 billion requested by the President to \$1.44 billion. It appears there may be further efforts in the Congress to reduce the amounts appropriated for the military assistance program below even this authorization.

The funds requested for fiscal year 1960 were below those the Joint Chiefs of Staff recommended as essential to carry out the indispensable military assistance programs required for our worldwide security arrangements. To support this program at a level less than that recommended in the 1960 budget can only be viewed as a real threat to our security.

Thus, if reductions are made during the course of the action in the Congress, it would appear that the militarily justifiable requirements for fiscal year 1961 would need to be substantially in excess of \$2.5 billion if we are to maintain this vital portion of our total defense effort.

I have personally discussed the military assistance program today with the individual members of the Joint Chiefs of Staff and they have reaffirmed their view that the amounts recommended in the fiscal 1960 budget are the minimum required.

NEIL MCELROY.

#### DEFENSE SUPPORT CUT

I turn now to the cut in defense support. The President asked the Congress for \$835 million for this purpose. In fiscal year 1959 Congress appropriated only \$750 million for this purpose—but the absolute requirements of maintaining stability in the highly strategic nations receiving defense support required the actual use of \$808 million before the year was over.

The authorization for this program for fiscal year 1960 was set at \$751 million—and the committee has now reduced this to \$700 million.

I regard this action as incredible. I cannot accept it in silence.

Recall for a moment the purpose of defense support and the nations it is for:

Its purpose is to help 12 key nations maintain economic and political stability while supporting heavy military forces demanded by their perilous locations under the very muzzle of Communist guns.

Each of these 12 nations is under increasing pressure from the Communist bloc. Economic penetration, political threats, infiltration—even open aggression—are being used against them as the judgment of the Communist strategists direct.

Taiwan has been compelled to engage in major defensive combat against Communist aggression in the straits.

Vietnam is the target of an intensive campaign of infiltration and subversion which has seriously threatened civil order and recently involved assassination of two Americans.

Laos has active Communist military forces within its borders and open warfare could break out at any time.

Greece is being subjected to a vitriolic political attack aimed at weakening their role in the NATO alliance.

Iran, which recently rejected Soviet security arrangements, a position they could hardly have afforded to take without assurance of continued U.S. support, faces added danger from the unstable situation in Iraq.

Many defense-support recipients face not only military threats and pressures, but also acute economic problems. Turkey has recently undertaken a broad stabilization program designed to revitalize and rationalize its economy. Many free world nations have joined in assisting Turkey, and defense support has been a major element of that assistance. Sharp reductions would not only jeopardize the stabilization program itself, but would also weaken Turkey's defense capabilities, lessen her prospects for self-sufficiency, and bring U.S. concern over Turkey's longrun economic well-being into question.

Pakistan, with a new, vigorous government and heavy military obligations, is in an extremely precarious economic situation. It has suffered loss of markets and declining prices for its exports which have cut into its wherewithal for purchasing essential food and raw materials. Here is a country on the margin of privation, or even starvation, a situation which allows very little flexibility in U.S. aid levels.

Korea has made steady progress since the Armistice in 1953 but is threatened by North Korean forces which are much more powerful than hers. With a heavy military burden and limited natural resources, Korea must struggle to increase production and employment apace with its growing population, much less increase its pitiable living standards which many of you have witnessed.

Cambodia is a major target of the Communist political and economic penetration in Southeast Asia. Any lessening of free world support might make it increasingly difficult to resist the pressure.

Thailand and the Philippines, leading members of SEATO and strong supporters of the United States, have requirements for the construction of military facilities, financed by defense support, which are important to an effective defense of Southeast Asia.

The cuts now recommended—16 percent below the President's request—will be felt in every one of these exposed and heavily burdened nations. The severity of the cuts on 11 of these nations is intensified by the fact that the committee has recommended a requirement that \$50 million of defense support funds be used for Spain—a sum considerably in



excess of the executive branch's estimate of need and request.

In some countries it will be possible to accommodate these reductions by postponing the day of reckoning. Inventories and foreign exchange reserves laboriously built up in recent years can be drawn down again; deficit financing can be used to meet military budget requirements at the cost of increased pressure of inflation. Such measures, however, are self-defeating for they only serve to increase the requirements in further years, delay progress toward greater self-sufficiency and postpone the hope of eventually shifting the burden of the support of these local forces from the United States to the home countries.

Some of you may be motivated to cut the program to the end of shifting the relative emphasis from military to economic assistance. However, cuts will have quite the opposite effect. Assuming for a minute that it were desirable, still military forces cannot be reduced overnight and not without arduous negotiations with the countries involved. Military construction cannot be abruptly stopped without waste and political repercussions. For these reasons, the portion of defense support going directly to military support is relatively inflexible. The bulk of the cuts will fall on those portions which contribute to a healthy society and a stable base for the military forces. Education, health and community development projects will be decreased. Efforts at expanding markets and agricultural productivity—so essential to economic development—will be reduced.

Although details are important, we should never lose sight of the all-important basic fact.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield.

Mr. LINDSAY. I have listened with great care to the debate since the beginning and have not yet received an explanation that satisfies me for this mandatory earmarking of \$50 million for Spain. The gentleman from Massachusetts is a member of the committee. Can he help me by telling me what the discussion was in the committee or what the testimony was on this particular subject?

Mr. CONTE. I would like to continue, then I will answer the gentleman's question if I have time.

The borders of 11 of these nations constitute the long frontier of the free world around the eastern and southern perimeter of the whole Sino-Soviet bloc. Together they maintain some 3 million men in their armed forces to defend this long frontier. We could not duplicate this force at any cost no matter how great and even to provide a fraction of it would cost us untold billions more than our present expenditures for our Armed Forces and a radical increase in our draft of young men and women. Yet we are now asked to deal in a cheap and parsimonious fashion with these valiant friends and to endanger the whole structure of free world security—all for a saving equal to one-fourth of 1 percent of our own military budget.

I cannot agree with this kind of self-defeating parsimony.

#### SPECIAL ASSISTANCE CUT

For special assistance the President asked \$272 million. The Congress authorized \$247.5 million in the bill just passed—a cut of less than 10 percent and yet one which will compel the sharp reduction or curtailment of valuable activities. The Appropriations Committee has now recommended an incredible and totally unfounded slash to a level of \$200 million.

To understand what has been done here, we should recall that special assistance is not emergency money—it is not to be confused with the contingency fund—it is programed assistance for certain countries of great importance to us such as Morocco, Tunisia, Libya, Jordan, Ethiopia, and the Sudan—and West Berlin—all countries or areas where we want to achieve special objectives which cannot be gained from other elements of the mutual security program.

Special assistance is also for certain health programs such as malaria eradication and education programs such as aid to American schools abroad.

I guess—and it is only a guess—since no other logical reason appears—that the committee chose to cut special assistance to \$200 million because that was the figure appropriated for fiscal year 1959. But—and this is the all important fact the committee chose to disregard—the amount actually obligated for special assistance in fiscal year 1959 was \$276.9 million—more indeed than the President requested for fiscal year 1960.

The tragic effect of this cut will be almost to obliterate certain of the planned programs of special assistance because there are a basic group which simply cannot be reduced and others which must actually be increased over last year.

What are the facts?

Three programs must be increased. One is malaria eradication, now in the third and critical year. The effort in this peak year must be increased to prevent loss of progress already made. The second is aid to the Baghdad Pact. The third is a contribution to the United Nations Emergency Force; last year we coasted on a previous contribution.

These three items together call for \$43 million—an increase of \$15 million over last year.

Four items must be maintained at least at last year's level. These are:

Morocco where we have special interests of the most vital kind in four strategic air bases, naval air and communications bases and the essential Voice of America relay station.

Libya where we have our largest SAC base and whose pro-Western attitude is of immense importance to us.

Jordan whose continued existence in the face of the most intense pressure of dissident elements depends on our help.

Berlin—for reasons too obvious to mention.

These four items total \$111 million and are irreducible.

This leaves \$46 million of the committee's recommended appropriation to

cover 14 major programs for which last year we obligated \$113 million. Those programs include Bolivia and Haiti, Tunisia, Somalia, the Sudan, Ethiopia, Liberia, Afghanistan, Nepal, Burma, Indonesia, aid to American schools abroad, and Israel.

I mention Israel last because special assistance for that country was not originally proposed by the executive branch but was added at the insistence of the Congress when the authorization was above \$250 million. I cannot conceive how that program can now be included—certainly in any substantial amount—unless the appropriation is returned to the authorized figure.

Failure to restore the full appropriation authorized will also result in cuts of 50 percent or more in help to the other nations I have mentioned—nations in each of which Communist propaganda is intense, Communist efforts at infiltration are vigorous, and, in many countries Communist economic penetration is increasing.

In my judgment the proposal of the committee to save \$72 million now would most assuredly lose untold millions in dollars and heartaches in the future.

#### TECHNICAL COOPERATION CUT

For technical cooperation the President asked \$179.5 million for our own bilateral programs and \$30 million for our contribution to United Nations and Organization of American States programs.

I commend the committee most highly for recommending the full contribution for international organizations but I deeply regret the cut made of \$29.5 million in our bilateral program.

I know that testimony given during the hearing would justify \$10 million of this cut—although later testimony indicated the value of the full request. But by no stretch of the imagination did any testimony justify a cut of \$29.5.

Again the figure of \$150 million seems to be based on the fiscal year 1959 appropriation. But it disregards changes in the world since a year ago.

The proposal of the President tried to take account of those changes. The increases in the proposed program were to meet the most evident and crying needs in the underdeveloped areas. A third of the increase—\$9 million—was to be in Latin America where we have had mounting evidence, obvious even to the most obtuse, of the need to strengthen the manifestations of our interest in the welfare and progress of our neighbors. We are now planning increased capital assistance to Latin America through the Export-Import Bank, the Development Loan Fund, and the new Inter-American Bank. It would be foolhardy if at the same time we did not provide an adequate level of the most inexpensive, yet most effective, help of all—technical assistance to develop the human abilities and institutional organizations to use and absorb capital assistance.

About a fifth of the increase requested—\$6.3 million—would have gone to expanding technical cooperation in Africa where Ghana, Guinea, Tunisia, and the Sudan have only just come on the



map and Nigeria, Somalia, and others are soon to follow.

We will make a historic mistake if we do not realize now—and act on our knowledge—that this enormous, awakening area will be an intensive and strategically critical battleground for men's minds and loyalties. The Communist world shows every indication of realizing this and of exploiting its opportunities. It will be a costly and sorrowful failure for us if we do not now step forward to help these new nations who are now willing to receive our help.

The remainder of the increase requested is in the Near East, south Asia, and the Far East. These are areas where we are now making our greatest expenditures for military assistance and defense support. Technical cooperation is a means by which we may educate and stimulate these peoples to more rapid economic development and toward self-sufficiency—thus decreasing the long-run cost to the United States. In other critical countries, such as Indonesia—the sixth most populous country in the world—technical cooperation is our major means of identifying our country with the aspirations and needs of the people themselves.

We all know that this program is the one which produces the greatest return for the least cost. The recommended cut is indeed a false economy.

#### DEVELOPMENT LOAN FUND

The Development Loan Fund is a special case and I think the House is entitled to a full understanding of what has happened regarding it.

You will recall that the President requested \$700 million to be appropriated for fiscal year 1960; this was raised to \$800 million by the Foreign Affairs Committee and brought back to \$700 million on the floor of the House. Then, as I have mentioned, the Foreign Relations Committee of the other body recommended a proposal for long-term capitalization of the Fund—5 years at a billion dollars a year, to be financed by borrowing from the Treasury. The minority leader offered a counterproposal sponsored by the administration to authorize the immediate appropriation of \$1.5 billion, to become available \$700 million in fiscal year 1960, \$500 million in fiscal year 1961, and \$300 million in fiscal year 1962. The President joined the fight in support of the Appropriation Committees against the borrowing authority proposed by the Foreign Relations Committee and the concept of borrowing authority was defeated.

I have already mentioned how this intervention of the President in support of the Appropriations Committees led to severe cuts in military assistance and defense support which would not otherwise have occurred and how his help has been repaid by the action of the Appropriations Committee on this bill.

But there is more to the story. A compromise was reached in the other body on the Development Loan Fund itself. That compromise was to authorize the immediate appropriation of \$2 billion to be made available, \$750 in fiscal year 1960 and \$1,250 million in fiscal year 1961. The conferees on the authorization bill agreed on \$1.8 billion

to be available, \$700 million in fiscal year 1960 and \$1,100 million in fiscal year 1961.

The President acted at once. The very hour the authorization bill was signed he sent to the Congress a supplemental request for an appropriation of \$500 million to be available in fiscal year 1961—as a portion of the \$1,100 authorized for appropriation now to be available in that fiscal year.

Before the President could act—indeed before he had even received the authorization bill, the Appropriations Subcommittee on the Mutual Security Program was convened and marked up its recommendations.

The President's additional request arrived just as the full Appropriations Committee was taking up the subcommittee report.

I think it is no exaggeration to say that it got just about the same attention as a skunk at a picnic.

In fact, I have seen a proposition for \$500,000 to eradicate water lilies get more attention than the written request of the President of the United States to provide \$500 million authorized by the Congress for one of the most important programs in the whole foreign relations of our Government.

What about the original request for \$700 million for fiscal year 1960? The committee cut it to \$550 million—again the figure appropriated for fiscal year 1959—but again in total disregard of the hard realities of the world we live in, of the urgent need of friendly peoples in the newly independent, newly developing nations for help in their desperate efforts to make economic progress—in total disregard too of the rapid increase in the rate of Soviet efforts at economic penetration of these same nations.

To a man from outer space there would perhaps be something quite laughable about all these gyrations over the Development Loan Fund. But for us earthlings, who will have to live with the fruits of our actions, I fear that the present appropriation action, if not corrected in the final action of the Congress, will be a tragedy we will live to rue.

Finally—and these are small by important items—I must protest the cuts in the administrative funds for the Department of State and ICA. Any careful examination of these requests will show that they are reasonable. The ICA request, for example, is basically exactly the same request made last year. The additions are plainly defined to meet additional needs.

In my opinion, the greatest need in this whole program is for more highly qualified personnel and more thorough management controls over the administration of the program. We will not get them by starving the administrative funds.

What I have said is only a rapid outline of my feelings about the major cuts made in the mutual security program. There is a great deal more I should like to say if it were proper to take more time in this debate.

My conclusion is that the cuts in military assistance, defense support, special assistance, technical cooperation, the Development Loan Fund, and the ad-

ministrative expenses are truly indefensible. I trust that in the final action of the Congress they will be restored to the full levels authorized.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. LINDSAY. First of all, I should like to compliment the gentleman on the excellence of his remarks. Secondly, I should like to go back to the question I asked originally: Can the gentleman clarify for me the reasons of the committee for the special, mandatory earmarking of \$50 million defense support for Spain?

Mr. CONTE. There is no logical reason. The only argument the gentleman will receive is that there is a precedent for it, that it has been done before. But let me elaborate on that. There are 12 countries that participate in defense support. From the original request made by the President of the United States \$135 million was cut. At that time the Department of State was going to give Spain \$40 million. After cutting the defense support item \$135 million, this subcommittee earmarked \$50 million for Spain, \$10 million more than the President had allocated to Spain. There are 12 countries involved. Eleven of the countries are underneath the belly of the Sino-Soviet bloc. The only country that does not come under that belly is Spain. We do have some important air bases and naval bases in Spain which are very important to this country. But what I am arguing against here is not the \$40 million or the \$50 million we are going to give Spain, but the principle of it. If you are going to earmark \$50 million for Spain, why not earmark \$50 million for Greece, \$50 million for Turkey, \$50 million for South Korea, and for all our other friends that we have? There is also the fact that we are in the position now of negotiating with Spain to put some missile bases in that country. If they know that they have us over the barrel for \$50 million, we are going to have to start from that figure and work upward. There will be no room for compromise, no room for discussion, because the money is already earmarked.

Mr. LINDSAY. I have been through the hearings in a limited way but I did not see even a mention of this particular subject in the testimony. Was there any discussion of that by representatives of the Department of State who came before the committee?

Mr. CONTE. Honestly, I cannot say, I do not recall.

Mr. LINDSAY. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. GROSS. I believe the gentleman mentioned Morocco as one of our allies; is that correct?

Mr. CONTE. That is right; we have air bases in Morocco.

Mr. GROSS. Does the gentleman now that on July 1 of this year the Moroccan Government levied a 35-percent or 40-percent tax upon transactions



by Americans in Morocco? Apparently the first move in an attempt to drive us out of Morocco? Does the gentleman know that there are 50 to 75 automobiles, at last report, sitting on the docks there that cannot be moved, intended for American use in Morocco, because the Moroccan Government will not permit them to be moved?

Mr. CONTE. I know one thing; I admire the gentleman from Iowa for his consistent stand against this bill. But I do know that we have air bases in Morocco today and that if we are going to cut this program the way it has been cut, we will have to cut the amount for Morocco because of these great slashes and we will not have air bases there very long.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, it is difficult to buy even a little time on this foreign boondoggle.

I am always interested to hear the gentleman from Minnesota and others deny that this multibillion dollar annual spending spree, this annual giveaway program, is not to buy friends. According to the gentleman from Minnesota [Mr. Judd] it is to establish partnerships. It has been my experience that a partnership is not worth a whoop in an empty vinegar barrel if it does not carry with it friendship. If this program is not to obtain friends, then it is nothing at all. The gentleman from Minnesota bemoaned the fact that a combination of circumstances, when the authorization bill went over to the other body, and then to conference, stopped an increase of several hundred million dollars in that bill. It then came back from conference with a lower figure than he thought it should have carried. He was bemoaning that fact. I, on the other hand, am delighted that this year, the first in the 11 years I have been here, there was a combination of circumstances that helped to hold this giveaway down. Just once, there was a combination of circumstances that worked in favor of cutting this bill. I can remember in years past the synthetic crises that were created year after year in order to get the billions for foreign aid through the House that the freewheeling spenders wanted.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. JUDD. I do not recall any synthetic crises. I thought they were very real crises.

Mr. GROSS. I suggest that the gentleman read some of the things that went into the RECORD at that time.

Mr. JUDD. I should like to have the gentleman insert them in the RECORD. I do not know of any synthetic crises.

Mr. GROSS. There were plenty of them, and the gentleman knows it.

Mr. JUDD. I do not. I thought the crises were very real and I think the crisis that we face today is very real.

I hope the gentleman's prediction that the amount provided in this bill is about right, and I will be grateful if it proves to be right. But I am not willing to take the responsibility of gambling with it.

Mr. GROSS. Mr. Chairman, I cannot yield further to the gentleman.

Mr. Chairman, I would suggest to the Members that they could do worse than to obtain the hearings on this bill and turn to page 888, the beginning of the testimony of a former colleague of ours, a former Member of the Congress, Sam Coon, who became an official in the foreign aid setup. His testimony is to be found in page after page in the hearings. He was subpoenaed before the committee and described what happened in Peru with this boondoggle. You will find in the testimony that he was threatened by the Ambassador and the No. 2 man in the Embassy in Peru. You will find that he came to Washington at his own expense in an attempt to get something done to correct the foreign aid program in Peru. He tried to talk to the Administrator of the ICA in Washington, according to his testimony before the committee, to tell him of the situation that prevailed in Peru. The Administrator of the ICA refused to see him.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HAYS. Who was the Administrator at that time?

Mr. GROSS. I believe it was a gentleman by the name of Smith.

Mr. HAYS. Frankly, they have not had an Administrator for 6 or 7 years.

Mr. GROSS. And I will agree with the gentleman on that score with the possible exception of Mr. Hollister.

I would like to ask the chairman of the subcommittee one further question. Do I understand there is \$198,700 in this bill for liquor and entertainment?

Mr. PASSMAN. I think that is placing the figures at the very minimum amount.

Mr. GROSS. Would that be included under general administrative expenses of \$137 million?

Mr. PASSMAN. I should think it is in that item. I am not going to quarrel about the representation allowances and whether they entertain them with imported sardines or whisky. Personally, I do not drink whisky myself.

Mr. GROSS. I want to know here I can offer an amendment to cut it out of the bill.

Mr. PASSMAN. You would have to offer quite a number of amendments because it is in every appropriation bill that comes before the House and has been in every appropriation bill for many years.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. PASSMAN. Mr. Chairman, I yield the gentleman 3 minutes and ask him if he will yield to me.

Mr. GROSS. I yield to the gentleman.

Mr. PASSMAN. I think we are going to have a lot of very happy colleagues

on the left side of the aisle and some on the right side. Whom are you going to believe? Here is a statement by the Comptroller General and it is in the hearings. In four or five places, the Comptroller General says the trouble with the foreign aid program is that they have too much money and not too little. The Comptroller is an appointee of President Eisenhower. If I may, I would just like to make this quotation from the remarks of Assistant Secretary of State Sprague before the subcommittee. I quote:

The reductions that the Congress has effectuated in the program have assisted the executive branch in administering the program in a more efficient manner; there is no question about that.

And if I may, I would like to make one further statement for the benefit of the new members of this committee, and we are very happy to have them on the committee. The same old hue and cry has been raised every year when we have made reductions in this bill. We have reduced the authorizing legislation in this committee \$2,866,000,000. And they say we have made a better program out of it and not a worse program.

Mr. GROSS. I would like to ask the gentleman another question. Is there any money in this bill for Israel?

Mr. PASSMAN. I might say to the gentleman that of the 86 nations in the world, there is money in this bill for 76 of them, past and present. I think this year there are some 70 of them who have their hand in the grab bag. I am sure Israel is in the bill in several places.

Mr. GROSS. I would hope that they are not in this bill because, as I understand it, Israel is in such condition now economically that it manufactures and sells arms to other countries.

Mr. PASSMAN. I am not quarreling with the gentleman.

Mr. GROSS. If that is the situation, then Israel ought to be out of the bill. I think they ought to be out of this bill for another reason. I picked up a newspaper and read that Israel is providing economic aid to at least one of the Middle Eastern countries. Not only is Israel able to manufacture and export arms, but is giving economic aid to other countries, according to the newspapers. If that is true, Israel and every other country so situated ought to be off our list of dependents.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TABER. Mr. Chairman, I yield the balance of the time to the gentleman from Arizona [Mr. RHODES].

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Chairman, within the past few years the American taxpayers have been called upon to pay the tremendous costs for unnecessary, wasteful, and extravagant programs that have often created more problems than they ever solved. The taxpayers have repeatedly been sold on the need to pay for some plan to meet a so-called crisis. With each crisis, some plan has been



presented as a sure solution and the plan became a heavy burden on the backs of the American people. As a result of our mishandling—sometimes misdirection—we have seen our public debt rise to a fantastic level. I maintain it is time to reexamine our position and intelligently evaluate the need for some of these schemes.

Of these crisis-solving programs which have been sold the American people, the most questionable in value and the most questionable in accomplishment, in my opinion, is the so-called mutual security, or foreign aid, program. This "International WPA" that has been conducted at the expense of the American taxpayer is a leading contender for the farce-of-the-decade award. If it is not stopped soon it will continue to press our Nation toward bankruptcy and our prestige in world affairs will continue in a negative direction.

As we all are well aware, our policy of grants to foreign countries—both military and economic in nature—was originally agreed to by the Congress with the firm assurance that the program was to be a temporary one. Its intended purposes were noble indeed. The avowed intent of the program was to, first, provide military defense for America, and, second, combat the spread of communism.

The major deterrent to Soviet aggression following World War II was the admitted superiority of the United States over all nations of the world in military might. The basis of this power was our sole possession of the secrets surrounding the method of controlling the power of the atom. In addition to this, America's economic and industrial might was so infinitely superior to all others that the thought of Soviet equality, let alone superiority, in any field was absurd.

However, high policy planners evidently decided that small countries of varying degrees of strategic importance needed small, conventionally equipped armies at the expense of our own economic and industrial development. Money and arms were diverted from American hands and placed under the control of leaders of divergent loyalties to the American intention of world betterment. We found many leaders of countries receiving military assistance using the great gift from America to preserve their control over various internal interests.

From a peak of absolute military superiority, we have spent our way through 14 years of aid to all comers to find ourselves on the short side of a shift in the balance in power, which has left the Soviets with an advantage in the newest area for evaluating military power—the ballistic missile field.

We can see that the only thing which Russia has ever feared, of an external nature, is the military and economic superiority, not of America and her allies, but of America herself. Tragically, that sole deterrent no longer exists, for we have allowed the Soviets to surpass us in the field that was our own—the production of superweapons. We have chosen to direct our resources

toward foreign aid for other nations, while as a result, our own Nation has been allowed to fall behind the Soviets in comparative strength of preparedness.

The second objective of the foreign aid program was to halt the spread of communism. One does not have to look very far to find how effectively this part of the program has been carried out. Following World War II, communism did not creep into valuable areas of Europe—it ran. Our multi-billion-dollar foreign aid program has resulted in a change in basic Soviet policy. From external aggression at their own expense, the Russians have changed to a pattern of internal subversion—but at U.S. expense. American dollars have been put to work at implementing fundamental Soviet goals. A glance at the Middle East today, and in all probability, at Latin America tomorrow, will bear out the terrible truth of this statement.

It seems a little strange to me that, under direction of a program designed to stop the spread of communism, American dollars have been poured into the Communist countries of Russia, Yugoslavia, Czechoslovakia, East Germany, Hungary, and Poland. Of the 70 nations who received the American dole from 1945 to 1958, Russia and Yugoslavia were among the top 20 countries in the amount of money received from the United States. It strikes me that this is a rather peculiar way to halt the drive of communism toward world domination.

Now that the two major objectives of the foreign aid program have been proven to be failures, we find the advocates of continuing the program resorting to the plea that a reduction in foreign aid would have a disastrous effect on the Nation's economy. Their cry is that our foreign aid program has spent funds amounting to 45 percent of the national debt. This figure represents the net of American aid to foreign countries. They maintain that a reduction in the amount spent in such a large area of our budget would leave our economy writhing from a lack of Government contracts.

But, when advocates of reducing the national debt urge reduction in the foreign aid program as the obvious starting point for such an effort, we are double-talked—through the use of figures based on the gross national product—into believing that the foreign aid program accounts for only twenty-one one-hundredths of 1 percent of the Federal debt. Now exactly, what the gross national product represents, no one seems quite sure. It is generally understood, however, that two farmer boys playing poker in a barn on a rainy afternoon could, with imaginary money used in such games, amass a tremendous gross product between themselves.

The foreign aid program has not been a failure in theory alone. Volumes of carefully documented instances are increasing daily with new cases of stupid bungling in the application of the program. Even if the long-range purposes of our foreign spending were being realized as a result of American dollars, the gross incompetence with which the administrative side of the affair is being

handled would be sufficient cause to call for a reevaluation of the entire effort.

A few results of the practical application of the foreign aid program will, in being mentioned, bring to your mind other aspects of an equally frustrating nature.

We borrowed money to lend \$3 billion to foreign powers so that they might reduce their national debts and balance their budgets, and all the time we were increasing our debt and unbalancing our budget. Money sent to aid foreign countries has been spent to purchase commodities and supplies from our competitors on the world market. We have not protected the American industries which were taxed to supply the aid fund.

In 1953 our Government made \$745 million available for support of the French and their allies in the prosecution of the Indochina war. Only a part of this money has been spent when the French surrendered. After many months of attempted audit and negotiation, we recaptured \$95 million.

We gave approximately \$450 million in financial support to the British aircraft program in 1953-55 but the planes were delayed in production and were obsolete when they reached the landing strips. Part of the cash was used to subsidize the British commercial jet transports in competition with U.S. manufacturers.

In the past week, Americans have been informed of the tragic plight of our foreign aid program in Vietnam. A series of on-the-scene articles by Albert M. Colegrove of the Scripps-Howard papers, entitled "Fiasco in Vietnam," shows again the unholy mess our foreign aid "experts" seem to be able to get into while involved in their spending contest. It is a sickening thought that the millions we have poured into Vietnam have resulted in the phrase, pro-American, becoming a type of profane insult in that country.

Why is it that in the light of all of these facts we, who claim to be the most prosperous, the most educated, and the most advanced nation in the world, feel we must rely on the amount of foreign aid money we give away to bolster our national security? I suggest that if we were more concerned with our national fiscal affairs, our national preparedness, and our internal strength and security, we would not be forced to buy the support of foreign nations. They could easily recognize the real differences between the Communist regime and our traditional principles.

In the past, a strong America has attracted the strength and support of other nations. There is no reason to suspect that principle no longer has validity. Granted, the world has never been faced with the same kind of ruthlessness which the well organized Communists have shown in achieving their goals. Nevertheless, the best way to defeat the Soviets is to maintain a healthy economy, sound fiscal policies, and display strong, courageous leadership in international affairs without seeking to gain and maintain the support of foreign countries by foreign aid handouts. Certainly, if we must rely on foreign aid to gain the support of other nations and to



prove to them that our principles are superior to Soviet aims and ideologies, we have degraded and compromised our own basic principles.

Mr. Chairman, waste, inefficiency, and downright negligent handling of the foreign aid funds has weakened the economy of this Nation. We are faced with an enormous public debt and a dangerously inflated economy. We must begin to think more of our own domestic security. We must get our own house in order. We simply cannot afford to continue a program such as the one before us when we are promised little or no reward in exchange for another year of parading billions of dollars overseas at the expense of the fiscal soundness of the United States and the American individuals and businessmen who contribute the fruit of their productivity to its support.

I urge my colleagues to join with me in voting against this measure.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman.

Mr. FASCELL. Mr. Chairman, last week when the President signed into law H.R. 7500, the Mutual Security Act of 1959, he issued a statement claiming that three freedoms of information provisions of the bill "are not intended to and cannot alter the recognized constitutional duty and power of the executive with respect to the disclosure of information, documents and other material." This broad claim of "executive privilege" means that the President is insisting on the right to refuse to execute a law of the United States. For the several budget and accounting statutes granting the General Accounting Office access to information and the newly enacted provisions of the Mutual Security Act were signed by the President and constitute "the supreme law of the land."

The Constitution provides that the President "shall take care that the laws be faithfully executed." Thus, the President has the duty to execute the laws, but he is claiming power to defeat them. The President can dissent from a proposed law only by exercising his veto power. One a congressional enactment is signed into law, it is as binding on the President as on the lowest officer of the United States.

Fundamentally, the power asserted by the President under the guise of "executive privilege" is a power to pick and choose among the laws, to decide which laws he will respect and which he will flout and refuse to enforce. If this claimed power exists, then indeed the Congress and the people of the United States are at the mercy of an all-powerful President. Plainly, in a government of laws and not of men, the President cannot set himself above the law. The Washington Post and Times-Herald in an editorial on July 28, 1959 succinctly and clearly summarized the issue. Let me read it:

#### EXECUTIVE PREROGATIVE

President Eisenhower was badly advised in his statement putting his own construction on the meaning of the Hardy amendment to the Mutual Security Act. Congress is as well

aware as the President that legislation cannot alter the constitutional duties of the Executive with respect to the disclosure of information, documents and other materials, and it is hardly in need of a lecture on the subject. It also is aware, however, that the Executive cannot alter the constitutional duties of Congress.

The information amendment states that upon request: All documents, papers, communications, audits, reviews, findings, recommendations, reports, and other material which relate to the operation or activities of the International Cooperation Administration shall be furnished to the General Accounting Office and to any committee of the Congress, or any duly authorized subcommittee thereof.

The language is similar to that in the act creating the General Accounting Office. It seems to be an appropriate exercise of the right of the legislative branch to make sure that the purposes of the legislature are carried out and that the money is wisely and honestly disbursed. Some of the information so far made available to Congress certainly justifies anxiety with reference to the handling of these moneys. Those entirely sympathetic with the objectives of the program have been rightly distressed at evidences of laxity and maladministration.

These are not matters about which Congress can be wholly indifferent, trusting blindly and implicitly in the good faith and performance of executive departments. If there is a nonreviewable, nonjusticiable power in the Executive to refuse all information it wishes to withhold, Congress might as well shut up shop.

Just where the line can be drawn has always been a matter of some political pulling and hauling. The courts never have ruled on the matter. Whatever the precise meaning of the Constitution, and whatever the exact rights of the Executive, the early Presidents, while often arguing the existence of an executive privilege, generally gave Congress what it sought. Although President Washington was unhappy at the way in which the House sought papers on the tragic St. Clair expedition, he sent up all the matter at hand as Douglas Freeman notes:

"Washington had learned long previously the protective value of candor in dealing with the American people and he knew that one reason for their trust in him was their belief he would tell them the whole truth."

The wisest Presidents have imitated such candor, particularly in dealing with situations in which irregularities were feared.

Let me illustrate what this broad claim of power means in terms of administration. The Inspector General of the Air Force has denied to the Comptroller General, the agent of Congress, access to a survey of the management of the ballistic missile program. The Comptroller General is entitled to this information under the terms of the Budget and Accounting Act of 1921—just as he and the Congress are entitled to all information under the new Mutual Security Act of 1959.

The Inspector General testified before the House Government Information Subcommittee recently that no one in the executive branch reviews the work of his establishment, and neither the Comptroller General nor the Congress can carry out such a review if the reports which are the end product are not made available. This agency hidden from the Congress and from the auditors of Congress in the General Accounting Office spent more than \$24 million during fiscal year 1959 and nearly \$23 million during fiscal year 1958. A letter

from the Air Force setting forth these facts was received July 15, 1959, by the House Government Information Subcommittee. This is but one agency in the Defense Department with huge expenditures kept from the scrutiny of Congress. The Army and the Navy carry on comparable expensive functions. The mutual security program is evaluated similarly, but the Congress and its auditors are not given access to that evaluation work, even when the President signs a law making the information available. It cannot be that Congress is powerless to ascertain whether these vast sums are efficiently employed. How can Congress make appropriations without such information?

Let me remind the President and my fellow Members that, as the Supreme Court stated in 1957:

The power of the Congress to conduct investigations is inherent in the legislative processes \* \* \*. It comprehends probes into departments of the Federal Government to expose corruption, inefficiency, or waste (*Watkins v. United States*, 354, U.S. 178, 187 (1957)).

Under that power, the Congress investigated the malodorous regime of Attorney General Daugherty; and the Supreme Court, in *McGrain v. Daugherty*, 273 U.S. 135, affirmed the right of Congress to require information from the brother of the Attorney General, Mal Daugherty. To conclude that inquiry can be blocked on the ground of "executive privilege" when Congress seeks the root of a governmental evil is to abort the recognized congressional power to investigate the executive departments for the purpose of legislation or appropriation.

Against this combination of recognized congressional power and the necessity of obtaining information if Congress is intelligently to legislate and appropriate, stands the claim of "executive privilege." Even the Attorney General has admitted that no court case has determined that such a privilege exists. Not a word about it is to be found in the Constitution.

There is not and cannot be an "executive privilege" to pick and choose among the statutes to be enforced. One and all they are "the supreme law of the land" and the President cannot decide which law is binding and which he may flout. Respect for law must start with the President if his exhortations to others to obey the law are to command respect.

(Mr. FASCELL asked and was given permission to revise and extend his remarks.)

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from New York.

Mr. SANTANGELO. Mr. Chairman, I support the mutual security appropriation bill, H.R. 8385, which grants new appropriations of \$3,209,782,000 and reduces the President's budget request by \$1,226,495,000 plus \$356,418,000 from the authorization bill. These cuts, in my opinion, eliminate the fat and the waste without affecting the muscle and sinews. In any event, the entire amount requested by the President was not en-



tirely justified in the committee hearings and the Appropriations Committee has appropriated funds to the extent that they were justified.

Despite the breakdown in the administration of our foreign aid program, I still believe in its lofty principles and practical purposes. I still believe that it is wise and noble to aid impoverished nations to help themselves in eliminating poverty and hunger, causes of revolution and communism. Despite the financial cost to the American people, I believe that there are practical advantages in having friends throughout the world to resist with us the spread of communism and in having friendly nations and people assume their financial and manpower burden in this great worldwide struggle against communism.

I have supported the foreign aid program since I came to Congress. I did so and I do so now in the belief that it is necessary for the defense of our Nation. The Eisenhower doctrine in the Middle East promised great things and gave the President great power. Our foreign program in the Far East, where we have spent over \$6 billion, is noble in purpose and ineffectual in its administration. The story of Laos, Vietnam, Cambodia, and Thailand is ugly and sordid. What has happened there gives some credence to the fantastic story described in the novel, "The Ugly American." In that best seller, it is told that our representatives and employees in the Far East are myopic, blundering, and incompetent. Despite the heroic deeds of several individual Americans struggling against insurmountable odds, it is told in that novel that we are losing the battle notwithstanding our noble purposes and lofty ideals. While I do not accept the story of "The Ugly American" as completely true, I recognize some warning signs.

In reading the disclosures and findings of the Committee on Government Operations in Report No. 7, House Report 546, one concludes that many ICA officials and employees are either unconcerned, incompetent, or corrupt. However, because a few police officers may be dishonest, incompetent, or lax, does not require the elimination of a police force. So with ICA and our foreign aid program. The incompetency, inefficiency, and dishonesty does not require the ending of our foreign aid program. Our task is to improve the administration and not to abandon the program. Our task is to remove the temptation of ICA officials to "feather their nest" and to assure a better administration of funds in these construction programs by stricter controls and better supervision.

Our people today are groaning under the burden of our taxes and will not tolerate waste, inefficiency, and added costs by reason of improper influences either in our military procurement programs or in our foreign aid programs.

I have introduced an amendment which the full Committee on Appropriations has unanimously accepted. This amendment is designed to do away with "the feather your nest" practices of ICA officials and employees and to eliminate unnecessary costs in the construction

programs of our foreign aid. The amendment reads as follows:

None of the funds contained in this title may be used to enter into a contract with any person, organization, company, or concern or any of its affiliates, who has offered or who offers to provide compensation to an employee of the International Cooperation Administration or who provides compensation to any former employee of the International Cooperation Administration who has left employment with ICA within 2 years from the date of employment with said person, organization, company or concern or any of its affiliates.

There are several instances which came to my attention which demonstrate the inefficiency and even corruption of ICA employees and officials. Undoubtedly, there are more. If we are to continue this program of foreign aid, we must remove the temptations and the opportunity of employees to "feather their nests" at the expense of the American taxpayer. At the same time, we must place the burden on the businessman who is using and abusing ICA employees with offers of premium salary employment contracts after resignation from Government service. Some contracting firms are a little careless. They even pay Government employees before departure from Government services.

In the Administration in Laos, the committee report indicates several glaring examples. Edwin McNamara, a public works and industry officer of ICA, accepted bribes totaling \$13,000 from a construction company known as the Universal Construction Co. through its officers Willis Bird and Gerald Peabody.

William Kirby, area transportation advisor, aided by one of the ICA directors, Carter dePaul, who circumvented ICA regulations, was instrumental in securing the award of a contract for the supply of ferry barges to the Hong Kong Transportation Co. Shortly thereafter, Mr. Kirby was employed by its affiliate, Pacific Island Shipbuilding Co. While the contract was being negotiated, this gentleman was the recipient of \$500 from the Hong Kong Transportation Co.

Lacey V. Morrow, U.S. Army, retired, head of an engineering firm of Transportation Consultants, Inc., was under retainer to Vinnell Co. at the same time he was employed by ICA in Laos as an engineering consultant for the purpose of assisting in the selection of construction projects. During this period Vinnell Co. was seeking to obtain contracts with ICA in Laos.

Norman McKay, an employee of Transportation Consultants, Inc., acting as consultant to the USOM was instrumental in securing the award to Universal Construction Co. of a contract to construct a ferry ramp in Laos. Shortly thereafter, he went to work for Universal as project manager.

Carter dePaul, former USOM director, sold his 1947 Cadillac upon his departure from Laos to Gerald Peabody, the head of the Universal Construction Co., at an inflated price. The car whose value was approximately \$600 was sold for over \$3,000, and was in an inoperable condition. The story of this USOM director, Carter dePaul, is an ugly one and it shows brazenness by an

ICA director and a callous disregard or unconcern by law enforcement officials.

In Thailand, other examples of "feather your nest" practices showed up. These were disclosed by the Committee on Government Operations in its 29th report.

Thomas Hill, the Public Works Chief of USOM, Thailand, and one of his subordinate engineers, Herluf Larsen, were desirous of future employment by a construction company, Sverdrup & Parcel. Mr. Hill had overall responsibility for all construction projects in Thailand and was responsible for holding Sverdrup & Parcel to a proper performance of the contract. Larsen was charged with specific responsibility of supervising the Northeast Highway. Hill was hired by Sverdrup & Parcel on July 1, 1957. Larsen applied for a job with Sverdrup & Parcel in January of 1957 and continued to supervise the performance of that firm until October of 1957. Larsen was finally offered a job but because of reasons of health, refused it. Larsen had been invited to submit his application for employment by the firm's president, General Sverdrup, while they both were attending a meeting held in ICA, Washington, the purpose of which was to consider the selection of an engineer for the Bangkok-Saraburi Highway. Sverdrup & Parcel was interested in obtaining the contract. Hill and Larsen both recommended that the contract for the Bangkok-Saraburi road be awarded to Sverdrup & Parcel without the formality of seeking competitive proposals from other firms.

In view of the fact that most of the contracts are let without competitive bidding, the dangers of improper influence are many.

I trust that this amendment will be approved by the Committee of the House and that this foreign aid program be approved with the reductions proposed by the Appropriations Committee.

(Mr. RHODES of Arizona asked and was given permission to revise and extend his remarks.)

Mr. RHODES of Arizona. Mr. Chairman, I want to begin by complimenting the members of the subcommittee, and particularly the chairman. I believe every member of the committee knows full well that in bringing out this bill we have started on its way a piece of legislation which is very important to the foreign policy of this country. If I could in a few words express what I believe to be the foreign policy of this country, I would do so as follows: The foreign policy of this country is to maintain peace in this world, and with that peace a climate under which our way of life will remain secure.

If this bill, Mr. Chairman, does not further this foreign policy, it is no good to the American people then the bill is bad. If it does help accomplish that result, then the bill is good. I believe, Mr. Chairman, the bill does help to advance the foreign policy of this country.

I do not think the money required to maintain the programs which have been started is more money than necessary.

When I think of our foreign policy, when I think of peace, and those who are



working for it, my mind goes halfway around the world to a young American man and his lovely wife, who, in their very effective way, are doing a great job for world peace and understanding.

This bill and the program for which it stands can never be a substitute for statesmanship; it must be an adjunct of statesmanship. If this bill does not provide for the deterrent which is necessary to keep the leaders of predatory nations from pulling the trigger, then this bill will have failed. If, however, it is able to do so with the help and activities of people like the young man and young woman whom I mentioned, then the lives of you and of me will have been well lived because we will be able to pass on to our children and succeeding generations a much better world than the one we came into.

I am sure, Mr. Chairman, that the people on the right side of the aisle as well as the people on the left side of the aisle will join me in wishing to the Vice President of the United States and Mrs. Nixon Godspeed, success, and a safe return to the United States of America. The contribution they make to world peace is a great one. We are grateful to them.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Michigan.

Mr. FORD. I would like to join the gentleman in congratulating and commending the Vice President and Mrs. Nixon on the first-class job they are doing and I am sure will do in representing our country in the Soviet Union and the satellites. We should be proud of them regardless of party affiliation.

Mr. RHODES of Arizona. I thank the gentleman.

Mr. Chairman, if I were to say that this is a perfect program I certainly should be laughed out of this Chamber. It is not a perfect program. I do not know of any program of this magnitude which is perfect. It seems that this is one which attracts more in the way of brickbats than almost any other program we legislate. Perhaps it is because of the very nature of the program itself.

In the first place, it has been called a giveaway, and few people really like to give away their substance, however good the cause.

In the second place, it has been characterized by writers many of whom are more anxious to sell their wares than they are to do a public service—by the horror cases which have been uncovered. Actually, considering the magnitude of the program it has in my opinion been quite well operated on the whole. We have heard much about horror cases, and instead of glossing over the errors and mistakes, I am going to admit that some exist. In fact, I will spend the rest of my time pointing out a few of the things which are wrong with this program and which should be corrected in the future.

In the first place, this bill covers a program which finances the refugee programs in the Middle East. Nobody wants to see those refugees suffer any more than they are suffering. However, Mr. Chairman, we have now reached the point where the nations in which the

refugees reside are no longer responsible financially for their welfare. In other words, the existence of the refugee problem no longer hurts the pocket-books of the nations which have it within their power to solve this refugee program. This is because the expenses of the refugees is paid largely out of this appropriation and others. It would be my hope that in the future we would be able to make it abundantly clear to those nations which should and could solve this problem, that we do not intend to continue to support the refugee situation forever. It will be necessary, in my opinion, to make that point abundantly clear before we are able to proceed with the type of soul-searching negotiation which is necessary for a permanent solution to be found.

Another matter requiring long-range planning is that of local currencies. Many of these programs generate local currencies. Public Law 480 generates local currencies. It was said in the committee that if this is continued we are going to be "up to our ears in rupees." Mr. Chairman, that is true. We are going to be up to our ears, not only in rupees but in the currency of many other nations. This poses a great problem, a great responsibility of this Nation. It is true that the money can be spent only in accordance with treaty, and upon negotiation between the parent country and ourselves, but the mere fact of the existence of a large sum of money in the hands of any other nation is or can be inflationary in nature. In other words, we have in the palms of our hands the responsibility for the welfare of the economies of many of the nations of this earth. If we take huge sums of money from their economy and do not spend it for projects in those countries at a rate sufficient to keep up their economy, we will be blamed. If we spend money more rapidly than we should spend it, then we will cause inflation in those countries and we will be blamed. So anyone who feels this so-called loan fund is likely to be an unmixed blessing for the people of the United States had better begin to consider the responsibility we are placing upon the shoulders of not only our generation but of future generations to come.

Another problem which must be solved in connection with this program is in the field of transfer of military equipment. When the armed services transfers equipment to the mutual security program to be used in one of our allied nations, if the material is not in excess, the armed services are reimbursed for the equipment in the amount of the cost of the original procurement of the item, and sometimes in excess thereof. The temptation is very great, Mr. Chairman, for the military to over estimate the amount that a nation can absorb in the way of military hardware. Why? Because then the military, if it gets by with this kind of operation, is able to generate credits in dollars which can be used by the military to purchase new equipment which it needs here in the United States. This has happened in the past. I do not say it has happened willfully, but it has been uncovered in the Comptroller General's inspection of the program. We

should never put that kind of temptation in front of any service—to modernize itself at the expense of another service.

I think we perhaps have cut the military assistance program a little more than we should. However, I should say that not only does the military assistance program receive the \$1,300 million of new money which we appropriate but it also will have available \$36 million which was unobligated at the end of this fiscal year and which will remain available under the terms of this act. Also it will have \$47 million more which it is supposed to receive from the sale of material in the next fiscal year. This adds up to \$83 million, or to a total of \$1,383 million out of a total authorization of \$1,400 million.

As to the rest of the program, we may have cut a little deeper in defense support than we should have cut. Defense support is a part of the program under which we are able to maintain or help maintain the economies of the nations with which we have mutual assistance pacts. Many of the nations are nations with which we have agreements in reference to bases which are very necessary to the military program of this country.

Mr. Chairman, I again say that I think this is as good a bill as could be produced for such an indefinite and complex program. It has been a fine experience for me to serve on this subcommittee with our fine chairman, the gentleman from Louisiana, and the gentleman from New York, our beloved ranking minority member, and all of the other members of this committee. It is a hard-working subcommittee. I think it came out with an answer as close to a right answer as one could expect on a problem which is very difficult to evaluate. You quite often feel that if you are going to err, you would rather err on the side of generosity in this program, because many times you cannot help but feel that the welfare of this country and of the free world rides in the balance. I hope we did not cut the program too deeply in any instance other than those I mentioned.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Minnesota.

Mr. JUDD. Illustrative of the way in which programs around the world are sometimes administered is the story in today's paper about a hospital that the Air Force built in France for \$6 million and abandoned by the time it was finished. Now, we do not decide that because of this waste we should abolish or drastically cut down the Air Force. A mistake was made, a miscalculation. Those who make mistakes ought to be held responsible, whether in the Air Force or in the foreign aid program or any other program. But the program itself ought not be crippled because of it. The main thing is to get on with the job, while working constantly to reduce the mistakes or waste.

I want to commend the gentleman for the fine reasonable and balanced statement he has made.

Mr. RHODES of Arizona. The gentleman is correct. We can find horror



cases in almost any program of the magnitude of this program.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from New York.

Mr. LINDSAY. Mr. Chairman, I rise in support of the mutual security program. I regret many of the cuts that were made by the committee, particularly in the area of defense support.

Mr. Chairman, in supporting the administration's foreign aid program, I share the view of the administration that the military and economic strength of the whole free world plays as vital a part in our Nation's total defense as the funds which we specifically earmark for the military. Sound economics and stable governments are the surest guarantee against further Communist encroachment. I am opposed to many of the cuts made by the Appropriations Committee for three principal reasons. First, cuts in military assistance and defense support were opposed by the overwhelming majority of those testifying before the Foreign Affairs Committee. The administration's recommendations in this area were described as "bare minimums" by such experts as General Lauris Norstad, Commander in Chief of NATO. Secondly the increased emphasis on economic aid in both the administration's recommendations and the conference report is of vital importance in view of the economic offensive now being launched by the Soviet bloc. During the fiscal year 1958 the Soviet Union and its satellites applied more of their resources to expanding trade and credit ties with less developed countries than in any year since the start of its economic campaign in 1954. Because Soviet economic aid is little more than a means of supplementing and subsidizing Communist subversion, it poses a threat which can only be met by providing an alternative to Soviet aid. An expanded American economic aid program is such an alternative.

Finally, I oppose the significant cuts recommended in the Development Loan Fund. The administration's program sought to put economic aid on a sound footing by arranging loans rather than making direct grants wherever possible. It was the objective of this year's recommendations by the administration to expand DLF to meet the expanding capacity and needs of underdeveloped economies. If we do not fill the need, such countries have little alternative but to turn to the East.

(Mr. LINDSAY asked and was given permission to revise and extend his remarks.)

Mr. PASSMAN. Mr. Chairman, I yield the remainder of my time to the gentleman from Virginia [Mr. GARY].

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. GARY. I shall be happy to yield.

Mr. ALEXANDER. Mr. Chairman, the time has come for us to put some "sense" into our foreign aid dollar.

Since the end of World War II we have spent some \$82 billion for this program, while at the same time our own national debt has soared to over \$286

billion. Inflation has taken hold here at home and we have a real problem to face.

As we study this program we find extravagance, inefficiency, and waste in many countries where the program has been in effect. In fact, the Comptroller General who was before our committee noted that the current findings of the General Accounting Office strengthen the belief that the basic shortcomings, especially in the area of project assistance, derive from unsound programing concepts. He stated that the annual level of aid has been beyond the technical and financial capacity of the recipient, as well as beyond the administrative ability of the United States.

The truth is that ICA has disbursed its efforts over such a wide range of projects that effective administration has been difficult, if not impossible.

Mr. Campbell, the Comptroller General, has stated that in many of these countries the main difficulty is that they have had too much money to spend.

Inadequate, advanced planning, such as firm plans, reliable estimates of cost, and lack of positive and definite agreement with recipient countries on all details, has led to overprograming, piecemeal financing, and premature obligations. Delays, and increased cost of projects, thus have become very common.

Irregular practices, corruption, and speculation by unscrupulous dealers has been encouraged by lack of stern, adequate supervision and by the United States recognizing unrealistic exchange rates of local currencies in relation to the American dollar. We have had loose handling of ICA funds in some countries, due to our refusal to demand satisfactory accounting and to know how the funds were being spent. In other words, funds provided by the United States have not been so controlled as to insure that the funds are actually being used for the purpose for which they were given.

Mr. Chairman, in my opinion the time has come to cut foreign aid to fit the need. It is time to be realistic. We know that the loose-knit estimates are grossly inflated. We need to clean up the waste; make appropriations only when justified and to see that the American people get a dollar value for a dollar spent in this program.

I might point out that extravagance and inefficiency in our foreign aid program serve as an incentive for uncontrolled extravagance throughout our entire government.

Growth of the ICA has been phenomenal. In 1948 it had 571 employees, while today we have more than 53,600 total, including employees, contract professors and participants in the ICA program. There, no doubt, has been excessive staffing and entirely too many people doing the same type of work except for different agencies of the ICA.

In the military field, I might say that funds provided by the United States to support the military budget of many countries have not been adequately controlled to insure that the funds are utilized for the purposes for which they were given.

Mr. George H. Staples, Associate Director of Civil Accounting and Auditing Division of GAO, stated to our committee that a mission in one country, where there were only 271 Americans, owned a fleet of 229 passenger vehicles and operated 7 additional vehicles on loan from the local government. This fleet was excessive in relation to the number of mission and contract personnel in need of local transportation. He continued, "The mission had purchased excessive quantities of household goods for use in government furnished quarters.

"The mission carried in its inventories the following items, among others: 529 refrigerators at the approximate value of \$105,800; 669 air conditioners at a value of \$135,600; 650 stoves at \$47,100 and unitemized household furniture in warehouses at \$128,500." All of this for only 271 Americans.

Mr. Chairman, this is the type of thing that should never happen.

This program has been going on for many years. The same type of mismanagement, inefficiency, malpractices, and waste recur year after year. It is high time that something was done about it.

Mr. Chairman, we must learn we cannot spend ourselves rich. We must stop borrowing money in order to give it away. We must learn that friendship must be earned, not bought.

(Mr. ALEXANDER asked and was given permission to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. The gentleman undoubtedly recalls that the Committee on Foreign Affairs, agreed to eliminate language providing for waivers of section 1415 of the supplemental appropriation bill of 1953. I have particular reference to the use of foreign currencies. Would the gentleman please inform the committee just how our foreign currencies are appropriated. The bill before us does mention or provide for the appropriation of foreign currencies.

Mr. GARY. The way that is done in practically all instances is that the Committee on Appropriations appropriates dollars for the project or purpose for which the foreign currencies are desired. Then the agency uses those dollars to buy the foreign currencies. Now, it works out this way: It is practically a book-keeping transaction and nothing more, but it is done in that manner so that the Government can keep a check on the use of foreign currencies and that none will be used without being accounted for. The gentleman will recall that several years ago there was a great deal of criticism about the use of these currencies without a proper accounting. At that time we put a provision in the law to require that foreign currencies be deposited in the Treasury and expended as other funds so that there would be a proper accounting. Now, of course, the Committee on Appropriations could appropriate and authorize the use of those currencies out of the Treasury, but it has usually been done by appropriating the money and letting the agencies purchase the



foreign currencies from the Treasury. In that manner it is a complete check.

Mr. ZABLOCKI. I agree with the gentleman that there should be a check on the use of foreign currencies. However, as the gentleman will recall, in accepting his amendment, I asked the gentleman whether the Committee on Appropriations would favorably consider appropriating foreign currencies for a specific purpose. It was my understanding that my amendment to section 400(c) authorizing the use of special assistance funds for American-sponsored hospitals abroad as well as the use of foreign currencies for such hospitals could and would be appropriated by the Appropriations Committee. The amended authorization legislation intended to constitute an authorization for an appropriation to carry out the purposes of section 400(c) of the Mutual Security Act as amended. I wish the gentleman would explain whether for the purpose of carrying out this authorization the State Department would have to deposit the equivalent of requested foreign currencies in dollars into the Treasury of the United States.

Mr. GARY. Not necessarily. I think if they would come in with specific projects that the Committee on Appropriations could authorize the use of foreign currencies for those projects. I assure the gentleman—and I stand on my promises—that if that request is made I, for one, will certainly fight as long as I can to see that it is done.

Mr. ZABLOCKI. Without the Department being charged, or having to deposit dollars into the Treasury of the United States?

Mr. GARY. They all go into the Treasury, but they have to be appropriated out of the Treasury. All local currencies go into the Treasury.

Mr. ZABLOCKI. That is true. But if a department has to purchase foreign currencies in dollars, then the department would have to obtain the authorization and appropriation of dollars.

Mr. GARY. I think they could also get the authority to use the foreign currencies out of the Treasury.

Mr. ZABLOCKI. Without the transfer of dollars?

Mr. GARY. I think that could be done. But no request of that kind has been made. I certainly was trying to be absolutely fair with the gentleman. All I wanted was a review. I shall help the gentleman in any way I can to see that these purposes are accomplished.

Mr. ZABLOCKI. The gentleman and I are in agreement that foreign currencies should be prudently and carefully utilized. I thank the gentleman for his reassurance that foreign currencies will be made available for worthy projects. I also thank the gentleman for his excellent explanation of this very complex subject.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from West Virginia.

Mr. BAILEY. With reference to the same question raised by the gentleman who is a member of the Committee on Foreign Affairs, the gentleman will recall, when the authorization bill was up

some weeks ago, I tried to strike out of the bill section 205 which provided that money paid as interest and on principal for loans under the Loan Fund, would revert into a revolving fund and not be paid back into the Treasury. I notice the Senate changed that, and required that it be paid into the Treasury. That is somewhat of a subterfuge, because they will not pay us back in American money, but in their own currencies, out of this fund which at that time was in an amount of \$2,700 million.

Mr. GARY. If it goes into the Treasury it will be accounted for exactly as cash and would become a part of the funds of the United States and would have to be appropriated out of the Treasury. Certainly, if the Congress follows the language of the Constitution, which says that funds shall be withdrawn from the Treasury only upon appropriations made by the Congress, that will be the case.

Mr. BAILEY. Then may I ask the question, Who will be responsible for the administration of the rest of that surplus that is built up there?

Mr. GARY. The Congress of the United States.

Mr. BAILEY. If we do it?

Mr. GARY. Yes.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman, briefly.

Mr. JUDD. I hope the gentleman and his committee will continue to work on this problem of foreign currencies. It seems to me it might be advantageous to start making appropriations in lira or yen or pesetas or zlotys, as the case may be. We ought to avoid these huge accumulations of foreign currencies which are dangerous in some cases to the economies of the affected other countries and are useless to ourselves.

Mr. GARY. I agree with the gentleman that every effort should be made to use foreign currencies wherever we can in place of American dollars. I certainly will not argue with the gentleman on that. I shall be glad to go along with any scheme that has that in mind. Our committee has been very insistent in our hearings with the department heads when they came before us, in telling them that we felt that should be done.

Mr. Chairman, I hold in my hands a copy of the printed hearings of our subcommittee held during the 6 weeks we sat in session daily from 10 in the morning until 5 in the afternoon. These were voluminous hearings. This book contains a tremendous amount of information.

Let me pay my tribute here to the Chairman of our subcommittee. I have never seen any man more dedicated to his task and more interested in digging out facts and trying to provide the House with all the information available, than the chairman of our subcommittee. He has certainly done a magnificent job. But, for my part, in order to sustain the report of our subcommittee, and it is not a very large report, in fact, it is rather small—in order to sustain the report, I would just need about 100 pages or even less than 100

pages of the record of the hearings. And that is the testimony of the Comptroller General of the United States. The Comptroller General is an officer who is supposed to represent the Congress of the United States. It is true that he is appointed by the President, but he is appointed for a 15 year term. That long term is given to him so that he will not be susceptible to the influences from the various departments. We try in the Office of the Comptroller General, as much as we can, to get a man who will be absolutely impartial, a man who will go into these various agencies and departments of government and make fair and impartial examinations and report the facts back to the Congress. That is what has been done in this case. The Comptroller General came before us and testified at length with reference to certain investigations that he had made. Mr. Chairman, we have been told in the past, and I have heard it every year, that our committee has recommended cuts that we were wrecking the program. We were told that those cuts would absolutely wreck the program. Members of the House know that I have fought for this program for many years, and I would be the last person in this body to try to wreck the mutual security program. But, what we have done is that our committee has tried throughout the years to keep the program within due bounds and to see that we do not waste the money of the American taxpayers.

The Comptroller General appeared before our subcommittee and pointed out many errors that have been made in this program. He pointed out instances of great extravagance and waste. But, he pointed out that there has been very little graft or corruption on the part of American officials, and I am very glad of that. There has been instances of graft among some of the people with whom they were dealing. I was asking him that question. I said:

Mr. GARY. Mr. Comptroller, there have been some disclosures by other committees of outright graft, corruption, dishonesty, and skulduggery in some of these programs.

I think your report shows quite a number of cases have been referred to the Justice Department for proper action.

Would you consider these isolated cases or have you seen anything bordering on a general pattern?

Mr. CAMPBELL. In other parts of the Government?

Mr. GARY. Yes, in the various activities of the ICA.

Mr. CAMPBELL. No; I do not think it follows a pattern as far as we can see. I think, as the chairman has said, there are enormous sums of money being handled here far from home with staffs, recruited probably very rapidly, and we have to expect that there will be troubles. I think where you get into other agencies of Government which are well ordered and by tradition have had procedures that are effective, we just do not hear this sort of thing. I think that some of the countries we have worked on are not as bad as others. I think the pattern of loose, lax administration runs through the entire complex.

Mr. GARY. That was my understanding.

There has been faulty administration and you found that pretty general?



Mr. CAMPBELL. That is right.

Mr. GARY. Insofar as actual dishonesty, there have been only isolated cases, as I understand?

Mr. CAMPBELL. Yes, sir.

I think that is encouraging, but I do not think we can excuse inefficiency in the program. He said the reason for that inefficiency, and mark this—when we cut the program in past years, they said we were wrecking the program—he said the reason for that inefficiency is that we have given them too much money. If you read his testimony you will see that several times he says we have given them more money than they can efficiently expend.

For example, the gentleman from Louisiana [Mr. PASSMAN] asked this question:

Does that constitute an indication that more money is available than actually needed, and that the money is being obligated rapidly in order to get it behind the curtain?

Then Mr. Staples, who is an assistant of the Comptroller General, says:

That is the very direct inference, Mr. Chairman.

Then I have another quotation:

Mr. ANDREWS. Did I understand you, General, to tell the chairman yesterday in substance that, in your opinion, one reason for the trouble that ICA is having is that they have more money to handle in the program than they could judiciously plan and use?

Mr. CAMPBELL. I think that is fair. They have had an enormous amount of money to worry about and it is a tremendous job. If they had had a billion dollars less or a half billion dollars less, they might have been able to handle it better than they have.

There is the answer. What we have tried to do to this program is not to wreck it. I certainly would not be a party to that. Let me quote from last year's hearings, the testimony of Mr. Sprague, the Assistant Secretary of Defense, International Security Affairs, who said:

The reductions that the Congress has effectuated in the program have assisted the executive branch in administering the program in a more efficient manner. There is no question about that. On the other hand, we have had as our object to make the program efficient on our own account.

I am supporting the cuts in this bill, and I make no apologies for it, because I think it will improve the program. I think what we are doing here is cutting out the waste.

There are three items to which I would like to call your attention. Probably some of you may remember that when the conference report on the authorization bill was before the House there were several items to which I strenuously objected. One was the section dealing with the creation of a center in Hawaii for cultural and technical exchange between East and West students. The other was the section dealing with international cooperation in health. We are already spending \$85 million on the international health program, and I thought this was just another program proposed for additional expenditures to provide for a coordinated program in health.

Another item to which I objected was a proposal to set up agencies in other

countries to instruct them how to borrow our money. It seemed to me as though it were an idea to drum up trade for this program. I do not think the time has come when we ought to be drumming up trade for this program; I think we ought to be trying to cut it down instead of drumming up trade. But the other body put into the bill several programs of that kind. They had never been considered by the House committee; the House had not had an opportunity to review them, and I stated on the floor, as some of you will remember when the conference report was considered, that I was going to vote against the conference report just on that account.

I am happy to inform you now that the Appropriations Committee in this bill has taken care of that situation by saying that no part of the funds contained in this bill shall be used to carry out the purposes of the sections to which I have referred.

Mr. BAILEY. Mr. Chairman, will the gentleman yield for a question?

Mr. GARY. I yield to the gentleman from West Virginia.

Mr. BAILEY. In view of the economic situation in my State of West Virginia would the gentleman from Virginia advise me that I continue my efforts to have West Virginia declared foreign territory so we can get some help under this bill?

Mr. GARY. I will say to the gentleman that West Virginia made one very grave mistake when it seceded from Virginia. I think you should consider very carefully before taking another such step.

Mr. BAILEY. If I do not succeed in having it declared foreign territory I will talk with the gentleman further about it.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield.

Mr. HARRIS. The gentleman mentioned funds being appropriated or considered for an International Health Organization.

Mr. GARY. Yes.

Mr. HARRIS. Is that included in this appropriation?

Mr. GARY. No; as a matter of fact, we already have an International Health Organization. We have been contributing for sometime to the World Health Organization of the United Nations. But this was some kind of scheme in the authorization bill for international cooperation in health. I was afraid it might lead to some scheme of socialized medicine. It was not in the authorization bill as passed by the House; it was in the conference report. We never had an opportunity to study it. I called attention to it on the floor of the House, and when the conference report was under consideration I voted against the conference report on that ground.

What we have done is to say that no part of the funds in this bill shall be used for that program. So we have knocked it out.

Mr. HARRIS. Our committee is conducting a hearing now on a resolution, Senate Joint Resolution 41 in which many Members have been interested and which would call for the spending of

some \$50 million a year in international health research. I wanted to find out if that program had become a part of the foreign aid program.

Mr. GARY. It is not in this bill. The bill specifically provides that no part of the funds shall be used for that purpose.

Mr. HARRIS. I thank the gentleman.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Minnesota.

Mr. JUDD. I might say on behalf of the House conferees on the authorization bill that we came back from conference with all the things that the gentleman's committee wanted, such as maintaining the appropriation process and eliminating the "back door approaches to the Treasury in the other body's bill." We sort of thought we ought to be received with mild acclaim, like Moses coming down from the mountain, but instead you folks took us to task for accepting these additional programs which could have been done anyway. We were not giving new authority, as we saw it. We were merely making formal what the President already could do with the contingency fund if he wished. We thought it was a good trade for the House. The provision which I regret most in the gentleman's bill is section 112 denying the use of funds for World Refugee Year. This is a 1-year authorization. It has to be made available now or the special year will be over before it can be used. I hope that the section denying these funds can be removed next year it will be too late.

Mr. GARY. The gentleman will recall that I praised his committee for the work it had done in conference. I did not feel I could vote for these new projects or new programs. I think the time for authorizing new programs has passed. I may say to the gentleman with reference to the refugee year fund, this has been declared refugee year. We have a refugee program. But to step that program up with the idea of completing it at an earlier date, our committee was afraid that what we would do would be to step the program up and to get it on a continuing basis at \$10 million more a year.

Mr. JUDD. This was an authorization for 1 year for world refugee year. It was not for a world refugee program ad infinitum. I think the United States should play its part in an effort to try to clean up this situation as far as possible.

Mr. GARY. We have more than played our part. We put up most of the money that has been used in the refugee program and I think it has been a worthwhile program. Without it we would have had a much more serious situation than we have now because it is bad enough now. One of the great problems that we are facing internationally is the refugee program, there is no question about that, but there is a limitation to our abilities, and our committee was a little afraid to do too much stepping up for fear we might step into a permanent program on a stepped-up scale.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?



Mr. GARY. I yield to the gentleman from Massachusetts.

Mrs. ROGERS of Massachusetts. The gentleman is very gracious. Does it not seem to the gentleman it is vitally important to us to accept the Senate amendment as appears in the conference report in the conference that is now going on between the House and the Senate on the nuclear carrier? We have heard that these countries do not want us to have airbases such as in Morocco and such as in England. They were booed over there when it was suggested that we take the airbases we were supposed to have in France out of France and take them to England. The Parliament booed that. They did not want us.

Mr. GARY. I may say to the gentleman I think that is one of the problems the Congress is facing now and I would prefer to leave that question to the subcommittee on defense which is now struggling with it.

Mr. EVINS. Mr. Chairman, I have been increasingly alarmed and concerned about the mounting costs and expenditures in our foreign aid programs. I know that there are some who think and believe that the mutual aid program is the only program offering assistance to our friends and allies. As a matter of fact, there are very few departments of our Government that do not participate to some degree in our program to assist friendly nations to improve their status and defensive position.

It is instructive to note that since the end of World War II we have spent nearly \$90 billion to assist our friends, allies, and to help underdeveloped nations throughout the world.

A summary of foreign aid programs and expenditures by various Government agencies for development in foreign countries follows:

Mutual aid grants and loans, \$80.8 billion.

Loans by export-import banks, \$5 billion.

American contribution to International Bank for reconstruction and development, \$650 million.

American contribution to World Bank for economic development loans, approximately \$1 billion.

American contribution to International Monetary Fund, \$2 billion.

American contribution to International Finance Corporation, \$35 million.

Total loans, grants, and contributions, \$89.4 billion.

In addition, grants and loans in unspecified amounts have been made to foreign governments by the following agencies. I have not been able to obtain the figures for these:

Agriculture Department: Commodity Credit Corporation and Foreign Agricultural Service.

Atomic Energy Commission.

Commerce Department.

Executive Office of the President.

Interior Department.

United States Information Agency.

As a member of the Appropriations Committee, I feel that the time has come for a thorough investigation of the mutual aid program.

I think we have the clear responsibility to look into and revise our entire activities in this area with the point of view of coordinating these programs, of eliminating waste, duplication, inefficiency, and even corruption, and of even seeing to it that our funds are spent as efficiently and wisely as possible. The need for such a review was clearly pointed out by the interim report of the Subcommittee for Review of the Mutual Security Program in February of this year. Although this subcommittee was able only to scratch the surface, it developed convincing evidence that a thorough and complete study is justified and necessary.

Mr. BOSCH. Mr. Chairman, the mutual security appropriation bill for fiscal 1960 recommends \$3,186,500,000 in obligational authority plus a reappropriation of \$36,188,000 in unobligated balances remaining available as of June 30, 1959. In addition to the foregoing, it is only fair to point out that there is on hand in the mutual security program an unexpended balance of \$4,871,448,000. Therefore, there will be on hand for this foreign aid venture the grand total of \$8,057,948,000, and this does not include local currencies available for expenditures in foreign lands approximating \$1,565,148,000.

What does this mean to the American taxpayer? Well, it puts foreign aid as the second largest item of our national budget. Foreign aid expenditures to date exceed \$70 billion and represent one-quarter of our national debt with an interest cost of \$3 billion a year. There is no need to reiterate what I originally pointed out during the debate on the mutual security authorization bill with regard to certain glaring conditions in the various parts of the world with regard to the administration of this program. Suffice it to say, that the waste and corruption of this giveaway serves to add to uncontrollable extravagance and is its greatest evil.

We must never forget that foreign aid which began as lend-lease in 1940 was proclaimed an emergency program, yet here it is still with us in 1959. True, it has been known by other names but its result, in my opinion, has been the same—an unwarranted, unsuccessful, and unproven burden on the American taxpayer. In other words, the assertion that foreign aid secures allies for us and helps save the free world from communism is not borne out by the past record of this program. As I have said time and again, one can neither buy friends or peace, and further what an odd way to save the world from communism when one looks at the record and finds that between July 1, 1945, and June 30, 1958, we had given aid to Communist or Communist-controlled nations to the tune of \$2,229,869,000.

It seems to me that we are doing exactly what Lenin believed and wrote—we are spending ourselves into bankruptcy. There is no easier way to cause the downfall of our American way of life.

Mr. Chairman, in view of the foregoing, I cannot in good conscience vote

to add this burden on the American taxpayer.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Military assistance: For assistance authorized by section 103(a) to carry out the purposes of chapter I (including administrative expenses as authorized by section 103(b), which shall not exceed \$25,000,000 for the fiscal year 1960, and purchase for replacement only of passenger motor vehicles for use abroad), \$1,300,000,000.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

(Mr. BOW asked and was given permission to revise and extend his remarks.)

Mr. BOW. Mr. Chairman, I take this time to ask questions of the chairman of the committee or any member of the committee who cares to answer them. I was not satisfied with the answers I received to my questions in reference to this powerplant for Okinawa. This matter appeared in the supplemental appropriations, and the gentleman from Ohio is a member of that subcommittee. I asked some questions. It seems to me that by this new powerplant we are providing public power for Okinawa. Part of it, it is true, is used for the troops abroad in Okinawa.

But, in the inquiry that I made at that time I found this to be a fact, that the population of the Armed Forces is about 40,000 American troops and dependents and that the indigenous population of Okinawa is 700,000. Now, I said: Will we be furnishing power to all of that population? And the answer was: We presently serve 64 percent of the population. Then I said: On the new system what would we serve? About 75 percent of the population. In other words, this powerplant we are going to put in at \$18 million, which I do not think is authorized, will serve 40,000 American troops and their dependents and about 75 percent of the 700,000 people on Okinawa.

Now, at the time we had this matter before us in March of 1959 the total cost of the project was to be \$13.5 million. Now, the gentleman's committee had the matter before them in May of 1959, about 6 weeks later, and it goes up to \$18 million. There is an increase of \$4.5 million in this public powerplant on Okinawa.

Will the gentleman tell us under what authority we are appropriating this \$18 million?

Mr. PASSMAN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PASSMAN. Mr. Chairman, certainly I do not wish to go into classified material, and therefore I must be very careful in this particular instance. Our committee turned this project down for 4 years, pending such time as we could make an on-the-spot investigation. We did go to Okinawa last year and we made an investigation. While we were there we ran into another Appropriations Com-



mittee investigative team. The distinguished chairman from Missouri has a rather unique and effective investigative system and conducted this investigation in accordance with that system, using FBI-trained committee investigators. Our action is the result of these investigations.

The appropriation, it should be explained, is actually made to the Army.

I quote from page 131 of our subcommittee's hearings:

Mr. PASSMAN. You told us that 75 percent of the electricity generated by this facility would be used by our own forces?

General GALEY. Yes, sir.

Mr. PASSMAN. If the military use should go up to 85 percent, under your contract would the Ryukyu Electric Co. then have 15 percent to go into the civilian economy?

General GALEY. That is correct.

Mr. PASSMAN. You are protected if under certain conditions, the military might need to use the entire output?

General GALEY. Yes, sir.

Not only the Island of Okinawa is involved. There are other islands in the vicinity, for which electricity must be provided. So, if we approve these facilities, the Army will build the plant, and then the auxiliary ships that we have standing by at Okinawa will be moved to the other islands. So, I would say to the gentleman that it was my understanding, as the committee had turned this item down for 4 years, that when it went to the gentleman's committee action was deferred so that it would be referred to our committee. Many times we appropriate money for one of these projects, and they ask for, say, \$10 million for a start, and on a subsequent date they come back and request more money. As this installation will cost \$18 million, we decided to recommend appropriation of the entire \$18 million, and accordingly wrote into the bill language whereby they could not at some subsequent date come back for more money.

Mr. BOW. I will say to the gentleman that you have made an explanation, but I do not think you have answered my question.

Mr. PASSMAN. What is the question?

Mr. BOW. The question is, Under what authority is this \$18 million being appropriated?

Mr. PASSMAN. The authority is under the treaty that we have with Japan.

Mr. BOW. Let me interrupt the gentleman, because he makes a fine statement and he uses many words. I may say to the gentleman that I have studied this treaty and I find no place in the treaty where there is any provision that we shall build powerplants for the use of the people on Okinawa. Now, it is not in the treaty, so the treaty certainly cannot be used for authorization for the building of this plant.

Mr. PASSMAN. I say to the gentleman that our investigation there, as he well knows—

Mr. BOW. Wait. You are talking about an investigation. I am talking about an authorization for \$18 million to build a plant to furnish power to 75 percent of the 700,000 people on Okinawa and make this plant a private enterprise on Okinawa over which we have no con-

trol as to the amount that they shall sell that power to the people on Okinawa.

Mr. PASSMAN. Has the gentleman transposed that figure?

Mr. BOW. No; I am reading from hearings before the committee, the testimony of Mr. Wohl, on March 29, 1959, before another committee of the Committee on Appropriations. If these gentlemen who come before the gentleman's subcommittee and who came before our committee, cannot get the figures right, then what can this House do in trying to find the appropriate figure?

Mr. PASSMAN. I am sure we can satisfy the gentleman. But I do say that the gentleman is discussing the overall plant on Okinawa, and not the additional plant. For the additional plant, in the beginning, 75 percent of its power goes to our own forces.

Mr. BOW. No; I am talking about the plant on which you want to spend \$18 million that they told us 6 weeks before, in March, would cost \$13,500,000. It is exactly the same plant.

Mr. PASSMAN. That was a partial financing program, not for the entire cost.

Mr. BOW. Let me read the gentleman from the testimony and see whether the gentleman considers this to be a partial financing program. This says:

Total project cost for 2 generating units, 20,000 kilowatts each, with structure for 4 units \$13,500,000.

The language is the total cost. Now it jumps in a matter of 6 weeks, from \$13,500,000 to \$18 million. We build this and turn it over to private distributors at what it costs us. We put no limitation upon the amount that they can charge the people of Okinawa for the power that we give them at cost. It is a perfect power program for the people of Okinawa at the expense of the taxpayers of the United States.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield further?

Mr. BOW. I yield.

Mr. PASSMAN. The \$13 million figure represents the actual cost of the generating plant. The difference between the \$13 million and the \$18 million represents the distribution system; that is, putting in the facilities, the lines, and so forth, to get the power to the places where it is going to be used.

Mr. BOW. The gentleman is not right about that. This says, as I quoted before:

Total cost for 2 generating units, 20,000 kilowatts each, with structure for 4 units \$13,500,000.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. BASS of Tennessee. Is it not rather amazing that people would vote to build a public power producing plant on Okinawa and not vote to build one in America?

Mr. BOW. Of course, I am being consistent, I will say to the gentleman.

Mr. BASS of Tennessee. I know the gentleman is. But there are other people on the floor who are very inconsistent, if they vote for this appropriation.

Mr. BOW. I quite agree with the gentleman.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Alabama.

Mr. ANDREWS. This may answer the gentleman's question. I am referring to page 153 of our hearings. Mr. Hamilton states:

Actually, the military leases the plant from the REPC and in so doing pays for the depreciation of the plant on the 27 year straight-line basis plus a 5-percent return. That, then, becomes a cost to the military of producing power and in turn the REPC buys the power at cost as available from the military under the lease agreement to distribute to the five local Ryukyuan power companies as a wholesaler.

Mr. BOW. Yes. We give the power to them. They sell it to the people of Okinawa. We have no control over how much they will charge. We furnish the power to them at cost.

Mr. ANDREWS. But the military do have the right to take it up to 100 percent.

Mr. BOW. If there is need. But we also enter into a contract to furnish the power and we say we are doing to furnish the power to 65 percent or 75 percent of these 700,000 people.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. Bow] has expired.

Mr. WHITTEN. Mr. Chairman, I move to strike out the last word.

(Mr. WHITTEN asked and was given permission to proceed for 5 additional minutes and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Chairman, it is not always easy to take issue with the actions of one's friends, particularly when you have the high regard that I have for the members of this subcommittee and for its Chairman. I do not know anyone in the Congress who has devoted himself to a job more tirelessly than has the gentleman from Louisiana. I, too, have served on the Committee on Appropriations for a good many years. I have opposed this program for a long time because most of the funds are used ineffectually and it seems those handling the administration of the program get more wasteful each year. Merely reducing the budget requests has not brought correction.

For a number of years this bill has been going through the Congress carried by speeches made for it by those who are against it. Sponsors direct attention to budget cuts to the point that there is precious little attention paid to the more than \$3 billion that is carried in the bill.

In recent years I have seen the major support of this measure shift from those who wished by disposition to improve foreign countries or who are identified in a general way in that group, to another group, whose members at least make financial profits out of the program. Now the group that is carrying this bill is the U.S. Chamber of Commerce. I wonder just how much some of the members of that organization have made.

I am proud of that organization. I feel I am conservative. Truly we find here today a continuation of an odd sit-



uation. Here today we find that this bill at this moment is being carried through the Congress by the opponents of foreign aid. Twenty-six members of the 50-man Committee on Appropriations sponsoring this bill voted against the foreign aid authorization.

I certainly do not mean anything personal in expressing my views. I simply believe to continue to appropriate billions of dollars each year, without cutting out the needless waste, is wrecking a great nation, in many directions.

It leads to inflation. It leads to waste in other fields. It unbalances budgets. It makes us look silly even to recipient countries. Believing that, I have to risk the displeasure of friends on this subcommittee, a majority of whom voted against the authorization.

Every argument made for passage has offered ample evidence of reasons to postpone passage of any appropriation, until in the handling of funds, waste and inefficiency are eliminated. Merely reducing the budget requests has proven ineffective in bringing about corrections.

We need a thorough investigation by this subcommittee. We have the mechanics for such investigation. A few years ago I offered a motion in the Committee on Appropriations that investigations were automatic and that the subcommittee would determine the specific places wherein to investigate. I regret to inform you that this Subcommittee on Appropriations has not followed through with that. No one has worked harder than has the gentleman from Louisiana, in making personal investigations of the matters involved here. He has tried. But, it is my opinion, having had experience also in this field as chairman of another subcommittee, that working 24 hours a day, the best any individual chairman can do is to find the leads on which you have to follow up with a regular investigating system. On pages 439 and 440, you will find a list of various investigations of mutual security by various and sundry groups and committees, and so forth. But, you will not find one by the Appropriations Committee, the one committee, best able to cut out this waste and extravagance. With pin-pointed findings and limitations, holding only to effective programs, the total amount of money spent would tend to reduce the amount. This has proven many times to be far more effective than merely to cut the overall amount of money recommended by the budget. To be effective we need to tie strings on the specific dollars for these things. I had a man who came to me who worked with this program for 2 or 3 years. He came to me 2 or 3 years ago. I carried him to my good friends the gentleman from New York [Mr. TABER] and the gentleman from Missouri [Mr. CANNON] and I urged my friend, the gentleman from Louisiana to hear him before his subcommittee. For a period of 2 years, he had documented pictures of wasted material that we had given to foreign countries which was out in the open and not even being used—materials such as scarce bulldozers and other equipment. Yet, all the while we were giving the same coun-

try more of the same material. Why? Because certain contractors in that country were said to be getting a rake-off or a cut of about 20 percent on each new program. Why should they make use of what we had already given them if thereby they would stop the commission they were getting. So it is said to be around the world.

Mr. Chairman, I offered the following motion in the Appropriations Committee but it failed of passage. I quote:

The committee directs its investigating staff under the direction of the chairman and the subcommittee to make a thorough investigation of all phases of the mutual security program, including but not limited to:

(1) Lack of proper planning, supervision, accounting, and effectiveness of the overall program.

(2) Names of U.S. and foreign corporations, partnerships, or individuals who receive profits from these programs, including the volume handled and profits made.

(3) Profits made by foreign governments.

(4) All amounts expended to promote production which is in competition of U.S. production.

(5) The amount of quantity of all equipment, materiel, or commodities which have not been used in each recipient country.

(6) The prices at which items furnished through these various programs have been sold by foreign countries or their agents.

(7) Rates of pay of all employees engaged in this program.

You know such information is badly needed. Except for items 1 and 7 the facts are not known to the Congress. We must have them.

On Friday last, after conferring with friends on the Legislative Committee, I offered that motion in the Committee on Appropriations directing that an investigation in line with what the Congress thought the Committee on Appropriations always did under the supervision of this subcommittee, which would determine the amount of profits that were paid to foreign organizations and to foreign corporations and individuals and partnerships in connection with the use of any of this money. That was in the regular way. That report would have been made to this regular subcommittee. When you find out who gets the profits for handling these programs, you will find why they initiate and carry on in such a wasteful manner and you will find out why new contracts are entered into when the old material has not even been used. There is case after case. One of my friends on the Committee on Foreign Affairs just referred to 130 miles of road that we built in some foreign country out in the woods, a road that went from nowhere to nowhere and we black-topped it at a cost of \$32 million. Do you not think it is important that we find out who got that contract and how much money they got out of it? Then, when you find that out, you get a starting point to put an end to it. May I say again, and this is the basic difference, I feel however hard my good friend has worked, and nobody has worked harder and nobody has devoted himself as an individual to a greater job of showing what is going on, and then he defends the cuts that he makes in great detail, but then he attempts to

correct these things by reducing the total amount of money requested by the Bureau of the Budget instead of tying strings on the dollars to be sure that they cannot be used for this, that or the other wasteful or ineffective purpose.

The hearings show finding by the General Accounting Office, which clearly show the past practice of merely reducing budget requests in the overall will not work. They are full of findings that come from the information that my friend, the gentleman from Louisiana who has been something of a one-man gang, so to speak, trying to find out how badly and how poorly some of these things are being handled. Now we come back to this. As long as we continue this program with the waste of funds that has been mentioned in every speech that has preceded me, and that practically fills up these hearings, do you think there is any real chance to get the majority of the Congress to hold back much on anything else in any other bill? Do you think we are going to stop inflation? And when you point out here in all these speeches how very wasteful they are but, without correction, pass new appropriations of billions of dollars each year, however much the amount may be below the budget request.

I am not here passing on the merits of this intent of this program; I am saying that if you believe we have got to have the mutual security program you should be interested in seeing that the money goes to the place where it does good. I say that today you have to tie strings on particular dollars for particular purposes; and I say again that you can never reach this problem by merely reducing the overall amount requested by the Bureau of the Budget. For years the Bureau of the Budget has doubtless been set for that.

My friend from Louisiana has made a great to-do through the years, about cutting the budget, and that is usual. I remember how many others have followed the same course; and, Mr. Chairman, you have got something like that here. These billions are not justified on what they will do or how they will be used. By pointing out cuts in the budget and creating commotion in that direction, billions get through each year while the same shoddy, wasteful, and really hurtful practices continue.

This general debate has been about a cut and what you cut was based upon the request of the very folks who have been wasting this money. Every budget is built up of requests from the field as to what they want; and I say again I do not know of anybody who could have done a better job holding the overall total down than my friend from Louisiana, if present courses are to be followed. We have gotten to where we merely point our finger at cuts while we appropriate billions of dollars with little discussion of the merits of the billions appropriated for this amazing program. It is time we found out the full facts, as I tried to do, and when those facts are ascertained we should act upon them and make our recommendations in a detailed way. I repeat:



If funds are prohibited for these wasteful practices and programs, and limited to those with merit on a sound basis, it is my firm belief, the sums required will be greatly less than any amount to which we may be able to reduce the overall amount.

I hope this subcommittee will have the detailed investigation so badly needed.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the pro forma amendment and ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. PASSMAN. Mr. Chairman, I listened with great interest to the distinguished gentleman from Mississippi, an especially able member of the Appropriations Committee, and chairman of one of the very important Appropriations Subcommittees. I might say to the gentleman that the same President and the same Director of the Budget send down a request for his own program, in the same budget. Does the President and the Budget Director send down one request that cannot possibly be cut, and at the same time, another request that the gentleman expects it to be cut 30 or 40 percent?

I am sorry the gentleman did not come to me and others of our subcommittee prior to the reporting of this bill to the full committee, and discuss this matter; but he did not do it. Therefore, I did not know anything about his studies until we were reporting this bill to the floor of the House.

I do not want to enter into any lengthy debate here, but I should note that there are two types of investigators: One who investigates silently and carefully and puts together evidence that would justify a reduction in an appropriation bill, and another who investigates for the sake of fanfare and publicity and printed records.

I should be pleased to put the type of investigations we conduct on this subcommittee up against those conducted by any other subcommittee, and also to compare the cuts made in this part of the President's budget, based upon the type of investigation that we make, with the reductions made by any other subcommittee, and indicate which subcommittee makes the larger percentage of reduction in the budget.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I will yield when I conclude my statement.

I want to say that if you have not read a certain speech made by the distinguished chairman of the Appropriations Committee, the gentleman from Missouri [Mr. CANNON], in the House of Representatives, you should do so. I believe this entire body will stand up and applaud this distinguished man for working out a system of investigating that does not encourage fanfare or personal publicity. The end results certainly justify the actions of the committee and completely justify the committee system

devised by the gentleman from Missouri. Every investigator on this committee is an FBI-trained man. The committee has working a corps of these trained men, conducting investigations throughout the United States or throughout the world, where there is need for an investigation. At the end of one year, the supervising investigator goes back again to the FBI, and his understudy takes over for an additional year. If any one should get too familiar with department heads it would do him no good, because at the end of a year he is released and another man comes in.

These people go about their business working silently and all together, and they make a report that is dependable and objective. When I was out in Okinawa last year inspecting this electric plant, I had not requested that a special investigation be made; but while I was there I ran into these two people who had been sent out there by the distinguished chairman to investigate the situation and write a report on the need for the power plant. I have nothing but praise for the type of system we use. Maybe there will be 50 or 100 men going about this business, and writing their reports. There are no headlines. But it is a system which over a period of years has saved the American taxpayers many billions of dollars. It will be the wish of the distinguished chairman of the full committee that I go back and investigate again this year on what I find on my trips, and compare the findings with the reports of the investigators which have been, and are being, used to check into the conditions. We are not defending the program. We are putting our finger on waste. What we have to worry about is to get the House to support the position of this committee. We have careful and detailed investigations, and I prefer the chairman's system of investigating over and above any system that we have in the entire Congress, and that refers to both branches.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Mississippi.

Mr. WHITTEN. The gentleman is describing a system. The point I was making, while I do differ somewhat with the system, is this subcommittee has not utilized the system. There has been no request by the subcommittee, the gentleman will have to agree with that, there has been no request and there is nothing filed in the records of the committee showing that the subcommittee has made a request. My motion, which I offered in the Appropriations Committee last Friday, was to use the system of the gentleman from Missouri and that the investigators report to the gentleman from Louisiana. The gentleman from Louisiana opposed that procedure. May I say there is, to say the least, a considerable difference between the program the gentleman handles and that which I handle.

Mr. PASSMAN. Does the gentleman know how much investigating has been done? As the subcommittee chairman, I have been outside of the United States working with these people in the last

4 years. Did the gentleman ever ask me whether or not there was any investigation?

Mr. WHITTEN. Yes.

Mr. PASSMAN. When did the gentleman ask me?

Mr. WHITTEN. I have asked the gentleman.

Mr. PASSMAN. I am sorry, but I do not recall it.

Mr. WHITTEN. And I have heard other Members of the gentleman's subcommittee say they wished the gentleman's subcommittee would make an investigation.

Mr. ROONEY. Mr. Chairman, will the distinguished gentleman yield?

Mr. PASSMAN. I yield to the gentleman from New York.

Mr. ROONEY. I should like to say with regard to the colloquy between the distinguished gentleman from Louisiana [Mr. PASSMAN] the chairman of the subcommittee, and my distinguished friend, the gentleman from Mississippi [Mr. WHITTEN], that I must disagree with the distinguished gentleman from Mississippi. I have served on this subcommittee since it was first formed some 11 years ago, and I can say that over all those years, both under the first chairman, the distinguished gentleman from Virginia [Mr. GARY], and under the present chairman, the distinguished gentleman from Louisiana [Mr. PASSMAN], there have been many, many fruitful investigations. The data and information and mismanagement disclosed by those investigations have been used to reduce the amounts of the annual bills with attendant substantial savings to the American taxpayers.

Mr. PASSMAN. We have three types of investigations. This subcommittee goes out and investigates in this case. We have a written report on a recent investigation and I will give it to the distinguished gentleman from Mississippi, if he so desires. Then we have the detailed reports of the Comptroller General. And, of course, the special investigators. So we have three complete types of reports—the committee's reports, the special investigators' reports, and the Comptroller General's reports. If the gentleman knows of any place where we should order an investigation, using the chairman's system which has been so successful, if he will indicate it to me, I will go to the chairman and see if I cannot get him to arrange such an investigation.

Mr. WHITTEN. I would like to say that the motion I made the other day was under the system and it is in my remarks. I think every question in it is pertinent. I rely on this subcommittee obtaining the information sought. May I say I did not talk to the gentleman prior to his reporting his bill to the full Committee on Appropriations for under the rules the bill was not available to me.

Mr. PASSMAN. The gentleman knew it was here for consideration.

Mr. WHITTEN. May I say this: I would like to urge the gentleman to read again this directive which failed in the committee. I would like to ask him now and say to him I would appreciate



his getting that information. There have been many investigations by others. This committee is best able to limit use of funds.

Mr. PASSMAN. I hope that next year if the gentleman has recommendations to make he will not wait until the bill comes to the floor for consideration.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Virginia.

Mr. GARY. Does the gentleman know of any program in the entire Government of the United States that has been more investigated than the mutual security program?

Mr. PASSMAN. I certainly do not.

Mr. GARY. The best evidence of that is that every magazine you pick up, and every newspaper, carries information that has been disclosed by those investigations.

Mr. PASSMAN. For the information of the gentleman from Mississippi, a very able Member of this body, as well as for the information of all who are interested, I should state that the type of investigation we have made has been responsible for a reduction of some \$1,345 million in the appropriations below the authorizing legislation.

Mr. JENSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, since this question of investigation has been raised, I want to say that the method of investigation we have had during the past few years is better than none, but the facts are that just about the time these investigators begin to get their teeth into a matter of importance to Congress and the American taxpayer, they are let out and new men replace them.

In 1946, when we had the reorganization of Congress bill before us, we made some changes. Certainly those changes have not all been proven good nor all bad. At that time I had served on the House Committee on Appropriations for several years, and it did not take me and many other Members long to ascertain just exactly what was wrong with our procedure of appropriating the people's money. I appeared before the joint committee of the House and the Senate on congressional reorganization, and I said this: What the Committee of Appropriations need is an investigator, and a good one, under the jurisdiction of each subcommittee of appropriations, who is schooled in the business of the respective duties of Federal agencies to which he is assigned. That investigator to be under the jurisdiction of the subcommittee through the clerk of that subcommittee of appropriation both for the House and the Senate. There are 24 subcommittees of the House and Senate.

Mr. Chairman, may I say that we have good clerks, efficient clerks, for the Committee of Appropriations for every subcommittee. Those clerks do not change with the political complexion of Congress. They stay on and on permanently. But, they do not have the help they need, they need investigators that would stay on permanently to go right into the heart of all these departments

and agencies and commissions of the Government year in and year out and report back to the subcommittee. In effect we have been appropriating in the dark to a very great degree, and until we employ a permanent investigator for each subcommittee of appropriations to work with our very efficient clerks and the subcommittees, we will have wasted money by the millions and possibly by the billions because of the lack of information which our subcommittees should have in order to appropriate properly for the American people.

Now, I have the highest regard for the members of the Federal Bureau of Investigation. They are great and able men, and we could hire some of those men and keep them on permanently. After I made my above explained plan for effective investigators, I received a lot of letters from over the United States commending my plan, and saying they hoped my plan would be made a part of the congressional reorganization program.

I have constantly urged that my plan be adopted without success.

It is now more important than ever at this late date due to the condition of our U.S. Treasury to stop wasting our taxpayers' dollars.

Mr. Chairman, the question of information upon which to base legislation is one of old standing. The gentleman from Iowa [Mr. JENSEN] says the solution is to have a permanent investigator who would be under the jurisdiction of the committee. That is the old-fashioned way. We tried that out 20 years ago and found it would not work. The chairman usually made the appointment from his own district and the chief qualification was that the candidate be able to carry his ward in the last election.

The men we get under the committee system are schooled by the FBI, or the Secret Service or other substantial agencies. They are effectively trained; they are the most efficient investigators that could be secured, the most carefully screened operators in the entire Government service.

They are career men. They have no political ambitions or affiliations.

Nobody knows who they are. They walk in unannounced. No one in the agency has ever seen them before. They know where to go. They secure the information and make their report and are dismissed and go back to their own office without change of status or salary.

Under the discredited system suggested by the gentleman from Iowa [Mr. JENSEN], some fellow would be hanging around whether we had an investigation or not, and in the interim spending his time lobbying the members of the committee to get his salary increased. When he entered the door of any department the word would be immediately passed back, "Here comes that fellow from the Appropriations Committee," and he would have a lot of cronies and no information.

The statement that we are operating in the dark and losing millions and billions every year through lack of information such a fellow could collect is one

I am certain no one gives any serious credence. Never before in the history of the Committee on Appropriations have we been so well staffed and implemented and in a position to be so thoroughly informed.

Our investigation service is impersonal and nonpartisan. I have made the appointments for years and have never appointed a man from my district or my State and cannot say positively that I have appointed a man from my party.

There can be no party axes to grind as the requisitions must be approved by the ranking majority and minority men of the committee and the subcommittee. And the assignments are so fair and unbiased that I do not recall a single instance in which any of those four men have failed to approve an investigation, or have questioned it on party grounds when reported.

We do not send out smelling committees or fishing expeditions. We do not send out men to dig up dirt or brew political medicine. We send out trained, experienced men to bring in the facts. And our bills are based on those facts.

We do not confine our investigators to the Government service but in the last Congress enlisted some of the most eminent men of the Nation, scientists, engineers, physicians and captains of industry. I am glad to say that without exception we have found some of the busiest men in the Nation ready to patriotically contribute their time and interest. They have frequently served without pay except for expenses.

Here is the ultimate test of our system of investigation.

Never in the last 10 years has any member of the committee—or Member of the House—asked for any legitimate facts on which our appropriation bills were based without getting the information. If any member of the committee or of the House has ever asked for information on which our bills were based without getting it let him stand now and say so.

Mr. Chairman, no one stands.

Mr. Chairman, by way of résumé—to epitomize:

First. Our system of investigation is economical. We pay the salary paid by the agency from which selected and the operator is not on the rolls a day longer than needed.

Second. We use only men especially qualified. If an auditor is needed we have several agencies including the General Accounting Office to select from. If a chemist, the Bureau of Standards. If a lawyer, the Department of Justice. If a detective, the Federal Bureau of Investigation or the Secret Service of the Treasury Department. And if the matter be of sufficient importance we do not hesitate to invite the heads of the greatest corporations or most important business executives in the country to serve as consultants.

Third. The system is elastic. It supplies 2 men or 50 men on shortest notice. At times no subcommittee may have a requisition. If so, no investigators are on our rolls. At times all our subcommittees may be working and we may have a hundred men in service. The system



supplies instantly as many men as are needed when they are needed. And dismisses them just as promptly.

Fourth. Under this system we have fresh men for each new investigation. They have never been seen before in the agency which is being investigated. They have no acquaintances and no associations. Their service is wholly impersonal. And new brooms sweep clean.

Fifth. The investigator has no interest in prolonging the investigation. His only interest is to secure the information as quickly and quietly as possible.

Sixth. The system cannot be used for the purpose of publicizing or the aggrandizement of the chairman or any member of the committee or the House. Results are not released to the newspapers and the reports are executive and confidential and open only to the members of the subcommittee. There is no opportunity for headlines.

Seventh. On the other hand, the system cannot be used as an instrument of persecution. The fact that an agency or department has been investigated is in no way to its discredit. Investigations are routine and are expected and as a rule are welcomed. While in many instances reports have justified heavy retrenchments, there are numerous occasions when on the basis of reports submitted by investigators appropriations have been increased over the estimates—and in which men under charges have been completely exonerated and promoted.

Eighth. The system is effective even when not in use. It is like the proverbial shotgun behind the door. The very knowledge that it is there is a deterrent. The very fact that the committee has the machinery and uses it when occasion requires exerts a salutary influence, whether applied to a specific set of circumstances or not.

Mr. Chairman, the system has proven remarkably efficient and successful. It is today meeting every requirement. Through information supplied under this system the subcommittees and the Committee on Appropriations as a whole have effected material savings at every session.

Mr. CURTIS of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to try to get some information about the funds available, which appears on page 2 and page 3 of the committee report. As I read page 3, it says:

This balance plus the new appropriation recommended in the bill will provide a total of \$8,057,948,000, exclusive of local currencies, available for expenditure.

Then on the preceding page there are listed four items under "Local currency" with a total of \$1,565,148,000. Those, I presume, are the local currencies available for expenditure. If that is so, then, according to this, we have about \$9.6 billion of money available for expenditure. Can the chairman tell me if I am correct?

Mr. PASSMAN. Is the gentleman speaking of the local currencies?

Mr. CURTIS of Missouri. Yes; and whether or not the figure of \$1,565 mil-

lion which appears on page 2 can be added to the \$8 billion total on page 3 to give us a figure, roughly, of \$9,600 million of funds available.

Mr. PASSMAN. That is correct. But we should not confuse this. In many instances the local currency is not applied against the money that you are appropriating in this country in this program. It is available, and in very, very few instances it can be used for this program. It is available.

Mr. CURTIS of Missouri. Yes. Are these the local currencies that are subject to the Committee on Appropriations, your committee, in order to be spent?

Mr. PASSMAN. Under the basic legislation, let us discuss the military, for example, which sells military hardware to certain nations. Under the basic act, any amount they recover from the sale, they have the right to spend without any additional legislation.

Mr. CURTIS of Missouri. Yes; just like the Public Law 480 funds listed here, a total of \$600 million. I presume that is not subject to the Committee on Appropriations either?

Mr. PASSMAN. No, that is correct; it is not.

Mr. CURTIS of Missouri. And yet these funds are available for identical programs that the Committee on Appropriations does have to authorize or appropriate money for in this program; am I correct?

Mr. PASSMAN. That is correct. I think it should be indicated that there has been quite a bit of argument about not having sufficient funds for the military. But I will answer the question now, and state that there is a great deal of military equipment made available to certain nations without any charge whatsoever. There are certain types of equipment for which the only charge is to cover the reconditioning of that equipment.

Mr. CURTIS of Missouri. Yes; I might add, too, in the previous bill before the House, in the report, I believe, a bill coming out of the Committee on Armed Services or it may have been the Committee on Appropriations, for Armed Services, there is \$26 billion estimated of surplus military equipment, not necessarily military in nature, but owned by the Department of Defense, that is surplus and in excess and under the law, apparently, certain portions of that equipment can be just given to the countries abroad, some of it, of course, can be charged, but some of it can be given to them; is that correct?

Mr. PASSMAN. Yes; certain types of it can be given. No appropriation is made for that purpose. That is in addition to the program for which we are now providing money.

Mr. CURTIS of Missouri. I want to commend the committee for setting this out in the report. I want to add this further statement. This is not the whole picture by any manner of means because under Public Law 480 we are going to be generating several billions of dollars in addition to a mere \$600 million because we know we have these surplus commodities available, and that, too, can be used for this same purpose. What I

am taking the floor to call attention to is the fact that we still have not gotten this whole thing under one roof so that we know what we are doing. Twenty-six million dollars of military surplus can be channeled in certain operations. Some several billions of dollars, I think about \$3 billion to \$4 billion of Public Law 480 funds plus these additional traditional counterpart funds that can be generated through this other area—all of them for this same type of program that this Committee on Appropriation comes before us with an authorization of some \$3 billion, when you have funds way in excess of that which can be and are being utilized for the same program.

(Mr. CURTIS of Missouri asked and was given permission to revise and extend his remarks.)

Mr. COFFIN. Mr. Chairman, I move to strike out the last word.

(Mr. COFFIN asked and was given permission to revise and extend his remarks and to proceed for 3 additional minutes.)

Mr. COFFIN. Mr. Chairman, the committee has been working hard this afternoon listening to arguments pro and con, mostly con, on foreign aid. I, therefore, propose that we take a few minutes of recess from this arduous job. I propose that we back away and look at how the mythical land of Lilliput handled this matter. Let us hope that there may be some instruction gained from a visit to the land of fable.

Mr. Chairman, many years after Gulliver departed from Lilliput, he found occasion to return to its shores once again.

He found things vastly changed. This time he had no difficulty in landing unmolested and walking around the country at will. There was, unlike the occasion of his first landing, no unpleasant banding together and binding him down. This was partly to be explained by the fact that there were few people to be seen, and partly by the fact that the legend of the helpful giant from outer regions had been passed down through the generations. He had no difficulty in striking up a friendly conversation with the solitary policeman he saw patrolling outside the palace.

From the tiny gendarme he learned that the palace was no longer the home of the king, but the parliament buildings—Lilliput having become a constitutional monarchy.

"Where is everybody?" asked Gulliver.

"Oh," replied the policeman, "this is the opening day of the lottery and everyone is over at parliament. You're just in time."

His curiosity whetted, Gulliver strode carefully over the capital and got as near parliament as he could. This was not very close, since the area surrounding the buildings was crowded with minuscule humanity, one person to the square inch. A carnival atmosphere prevailed. Some vendors were hawking a program, saying, "Names and numbers of all the countries." He noticed that every few inches there was a tiny television set which formed the center of a subgroup of the crowd. To the little TV screens all eyes were riveted.



Gulliver took out his magnifying glass, lay gingerly down in the main avenue of the city, and observed the following amazing events:

As soon as parliament had been called to order, the prime minister began to talk. It seemed to Gulliver a sensible message. It told of the continuing threat to Lilliput of the Brobdingnagians, who had, since Gulliver's first trip, apparently changed their tactics, relying on subtle economic wooing of Lilliput's allies rather than direct conflict. The prime minister called for assistance to these allies in the form of both military help and economic assistance. Gulliver, hearing that all of this would cost less than 1 percent of Lilliput's output of goods and services, and remembering how costly were the earlier wars in which he had participated, felt sure that the speech would be warmly received.

Instead of this, he noted that most of the people, both outside and within parliament, seemed quite bored and inattentive. An immediate hush fell, however, as the prime minister announced that his administration was requesting some 400 million kropels for this program. At this everybody, inside and outside, took out a pencil and noted the figure.

Gulliver, more curious than ever, asked one of the group nearest him what this activity meant. "Oh," said his informant, "this is where the real fun begins. Now that the prime minister has announced his figure, the lottery bureau will soon publish the odds for various cuts. In the meantime, all of us are trying to pick our own figure."

"You mean," Gulliver said incredulously, "that there is no chance of parliament giving the figure asked by the prime minister and that the government not only permits betting on this matter but actually sponsors it?"

"Of course," said the Lilliputian. "It took us quite a while to wake up. You see, this is the one area of government where all of us know as much as the prime minister or members of parliament. Hence our guess is as good as theirs. It's a natural money raiser. For one kropel I can enter the lottery with as good a chance as the next man to guess the cut and win a fortune. We finance half our budget in this way."

By this time, various figures, ranging from 10 million to 100 million kropels appeared on huge electrically wired boards on the parliament grounds. Figures showing betting odds appeared beside them.

The crowd at this moment dispersed, spending the rest of the day in reveling. The chairman of the committee on external affairs announced that extensive hearings would begin the next day. This announcement, however, did not deter many members from spending the afternoon in delivering long and animated speeches against the prime minister's request. Gulliver reflected that these members must be unusually well informed to have such definite opinions even before the hearings had been held. As for the prime minister, it was generally understood that, having delivered himself of his message, he would take a needed rest. Gulliver saw him whirling

past in a tiny helicopter, like a fatigued mosquito.

During what was a short time to Gulliver, but many weeks in Lilliput, the committee on external affairs heard all kinds of officials, high and low, ambassadors of Lilliput to many countries, and many citizens, since this matter was one where every citizen had read an article or had talked with someone who had been overseas. What impressed Gulliver was not merely that such an intensive hearing was being held, but that very much the same hearing would be held four times, twice in the house of commons and twice in the house of lords. Indeed, Gulliver found to his amazement that almost half of the people administering the program really had to spend most of their time preparing testimony, tables, charts, and even books for these hearings. The books were monstrous collections of data. Gulliver was told that no one had ever admitted having read them, but their very bulk made all the hearings so much more impressive.

Finally, the committee, many weeks and thousands of pages later, reported its conclusions to the house. It had cut the prime minister's request from 400 million kropels to 370, although the reasons for this amount did not seem to be precisely given. Instantly there was renewed betting by the populace.

Gulliver thoroughly enjoyed the fiery debate in parliament on this action of the committee. The house cut the committee's figure to 350 million kropels, and the lottery, as one could tell by the cheers from the bettors, was really underway. Gulliver's enthusiasm over the debate was cooled when he learned that nothing had been settled by it. While the House had been working on the bill, the peers in the house of lords had been working on a bill of their own. The peers, of course, could not very well have started with the bill passed by the house. That would have been undignified. Moreover, this gave useful employment to many people when the time came to match one bill against the other and locate all the differences that needed to be reconciled. This was finally done and the house came to life when it voted on the report of the conference committee. Once more the figure changed and the betting increased.

Gulliver thought the lottery was over and that on the whole the prime minister, although hurt, had not been mortally wounded. His sense of wonder can be imagined, therefore, when he awoke one morning to find a far larger crowd outside the parliament buildings. They seemed to him to have a glint in their eyes very much as must the old Romans who gathered at the coliseum to watch similarly unequal contests.

A bystander explained the heightened interest. "Now the real show starts," he said. "Everything up to now has been window dressing. Talk about cuts. Watch these professionals."

Gulliver for some days remained glued to his TV. What he saw intrigued him greatly. He saw a subcommittee of the committee on estimates. It seemed that despite everything that had gone on before, this was the group which ac-

tually decided how many kropels Lilliput would actually spend. When he asked why the other hearings and debates had been held, he was told that without them the lottery season would be entirely too short. Moreover, he learned, there was much to be said for building up interest gradually.

The subcommittee went through many of the same witnesses as had appeared before. Gulliver thought he could detect signs of age and frayed nerves on the part of the witnesses. On the whole he thought they performed nearly as well as on their two prior appearances. One of the witnesses, however, had been elevated to stardom in these hearings. He was the auditor general, whose task it was to check on the accounts in the various countries. He had done such a good job that he was informally promoted to the position of foreign policy expert, having far more influence in this field than the diplomats themselves.

Again, as had happened before with the other groups, after many weeks and more thousands of pages, the group met to deliberate on its findings. Gulliver concluded that these people must have been abler than the others. He understood now why they were called professionals. They consumed only a few hours during part of 1 day. It was during these hours that the lottery bureau had to hire extra personnel to handle the high volume of betting. During this time the subcommittee, working smoothly and efficiently, was able to translate all the data of the hearings into figures by a process so subtle that it eluded Gulliver's understanding. Gulliver marvelled at the skill with which the findings were compressed into 12 pages of text. Apparently all of Lilliput had such confidence in these men that detailed explanation of their findings was neither required nor given.

The results, however, were crystal clear. When the figures were announced, a cut of almost 100 million kropels, or almost 20 percent, the crowd of Lilliputians around the parliament buildings rang out with cheer after cheer. The cuts had exceeded their wildest expectations. Indeed, the lottery bureau officials expressed concern for a time that no bets had been received for such large reductions.

Of course the show went on. The parliament went through the formality of a debate. The only interesting part of the debate was the attempt of some members to deepen the cuts of the committee on estimates. The people were attracted to this event, Gulliver thought, just as they would watch a high jumper at a track meet try to break a new world's record he had just set.

Finally, however, the grand prize of the lottery was awarded to an aged and penniless prospector who had for years been unsuccessfully panning for gold in the remote barren lands of Lilliput. He was the only one who had guessed right.

Lilliput, Gulliver concluded, must be clearly winning the cold war against the Brobdingnagians. They apparently had less need for allies, and were able to reduce sharply their economic assistance. Gulliver was told that a new loan-



ing mechanism had been set up only a few years earlier to help other countries in their need for economic growth. Hailed at the time as a vast improvement over outright gifts, the Lilliputians had apparently felt it had served its purpose. Everyone seemed confident that the Brobdingnagians could not be very active in this field.

And yet Gulliver reflected on the speech of the prime minister. If what he had said was right, parliament was wrong. If parliament was right, the prime minister was wrong. Gulliver would have wished to know what the prime minister thought about all this. But, although the prime minister had returned from his rest, he was so occupied that he could give very little attention to this.

Gulliver therefore departed, rejoicing that all was well in Lilliput.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I move to strike out the requisite number of words.

(Mrs. ROGERS of Massachusetts asked and was given permission to revise and extend her remarks.)

Mrs. ROGERS of Massachusetts. Mr. Chairman, there is a constantly growing evidence disclosing foreign countries in which we have large airbases, desire to control and limit our land-based air operations. Some of these governments of these countries want us to leave. Our country has expended billions to build these airbases on foreign soil and in spite of this fact our country has no authority except what these governments permit us to have. This is indeed a serious matter and enormously important to the security of America. Suppose we must leave Morocco, as we did France. Suppose we are forced out of Rota, Spain. Suppose our land-based airfields are denied us. It seems to me this possibility, this serious consideration points up the necessity for approval of the nuclear aircraft carriers. This is a sea-based aircraft carrier over which the United States has complete jurisdiction.

Mr. GROSS. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. This is the place to get it. Just offer an amendment. There is plenty of money for everybody and everything.

Mrs. ROGERS of Massachusetts. I do not think this is the place to offer an amendment in connection with this particular bill. I hope that the gentleman will agree, however, that it is vital to the security of America for the conference on the national defense bill to approve the nuclear-powered aircraft carrier. The conferees are now trying to reach an agreement, and I say to the distinguished gentleman from Iowa a frightful mistake it will be if the conferees fail to approve this vitally needed nuclear carrier.

At this time I should like the Congress to know I have devoted great study and many hours of discussion to the necessity and the enormous need for the nuclear aircraft carrier. The denial of highly costly land airbases, constructed

at the cost of billions, suddenly being denied to the United States certainly emphasizes and underscores the necessity for the nuclear-powered carriers.

#### THE CASE FOR THE NUCLEAR AIRCRAFT CARRIER

##### A. THE PROBLEM WE FACE AS A NATION

Mr. Chairman, because of its tremendous importance not only to the security of the United States of America but to the welfare of the entire free world, it is my purpose here to outline as briefly and as precisely as I can the reasons why the Congress should approve the construction of another nuclear powered aircraft carrier.

##### 1. U.S. SOVEREIGNTY OVER FOREIGN AIRBASES

Throughout the world the United States possesses rights in foreign countries that have been agreed upon for the use of certain areas within those countries as airbases. In none of these agreements are there any sovereign rights given to this country. In other words, the use of these airbases by the United States is entirely dependent upon the will of the government of the country in which the airbase is located.

America has spent millions, yes, billions of dollars in the construction of these bases on foreign soil. In view of our agreements and also in view of the uncertainty of the development of international relations there is no reason to prevent the governments of any of these nations in which these airbases are located to deny the use of these bases to the United States at any particular time. Recently France informed the United States that our airbases in France could not be used unless the French Government had some authority over American air operations taking place from these bases. As a result we were forced to transfer all of our land based aircraft to airbases in England.

When this move was announced on the floor of the House of Commons certain members of the House of Commons booed the announcement. In other words, they did not look with favor upon the United States transferring these air operations from bases in France to bases in England.

It is important that we take note of the fact, and this is an extremely serious matter, American air operations from foreign bases are dependent upon the authority of the government of the country in which the airbases are located.

There is no such problem involved in regard to our airbases on the high seas; namely, our aircraft carriers. Our aircraft carriers are mobile airbases over which the United States of America has complete sovereignty. Our aircraft carriers are part of our great defense system and are completely subject to our own jurisdiction. In view of this fact the aircraft carrier can be depended upon at any time and in particular in times of emergency as compared to the airbases on foreign soil which cannot be dependent upon.

##### 2. ABILITY TO STRIKE THE ENEMY

Certainly the United States of America will never start a war. Our Nation is not aggressive; in fact, we are opposed to aggression. If war should take place, everyone certainly is informed of the

complete devastation which would occur as a result of nuclear bombing. In a future war without a doubt the United States will be attacked first and our country will experience a very hard and tragic blow. In view of this fact it is necessary that the United States has a means which can be depended upon to strike back and devastate the enemy. It is necessary for our country to have dependable means already in being and capable of doing the job. It is necessary for our country to have the power to annihilate any enemy which dares to strike our Nation first.

The nuclear powered aircraft carriers provide this dependable power. With their tremendous mobility, their speed and their capability, our nuclear aircraft carriers are able to break the back of any enemy which is so foolish to initiate a strike against the United States.

##### 3. CAN TRANSFER OPERATIONS TO ANY AREA

The nuclear powered aircraft carrier is not a fixed airbase. Instead it is an airbase at sea which because of the vastness of the oceans can be moved anywhere over seven-tenths of the earth's entire surface. This flexibility represents great power. This mobility not only provides our country with the ability to control the seas but it also provides for our ability to meet any challenge. And most important, our enemies know and fear this power.

##### 4. ALWAYS THE NEW MUST REPLACE THE OLD

An aircraft carrier being a great air base at sea is a ship; it is machinery, it is material, it is subject to wear and obsolescence. The life of a great aircraft carrier is probably somewhere between 20 and 25 years. In view of this fact our carrier's must be constantly replaced, improved, and modernized. We cannot go to sleep. We cannot become satisfied. We must rebuild constantly. We must replace the old with the new.

##### 5. CARRIERS MUST BE IN BEING TO BE EFFECTIVE

Because of the fact modern war may be of very short duration there is no time to build aircraft carriers after the enemy has decided to strike America. If war should come to America, and I hope it never does, the entire survival of our country, the survival of every human being in America is dependent upon the weapons we possess at that time with which to fight back. There will be no time to build weapons after the war has started. It is for this reason, and this is a very sobering reason, that this Congress cannot under any consideration, financial or otherwise, fail to approve the nuclear aircraft carrier now under consideration. Now is the time to build the power needed to meet a future challenge. Now is the time to build the nuclear carrier which can devastate the enemy if the need arises. Tomorrow or next year may be too late.

##### 6. INSURANCE FOR PEACE

Possessing a sufficient number of nuclear aircraft carriers together with their supporting ships is without a question the greatest insurance for peace existing in the world today. Certainly no enemy nation can ever hope to strike America without reaping devastation from these aircraft carriers, and be-



cause of this fact an enemy nation will think long and hard before attempting anything so foolish. Knowing they can be annihilated, a wise enemy will not strike first. In these times seapower sufficient to control the seas and meet any challenge is a guarantee of peace. I repeat, the aircraft carrier is the most valuable insurance for peace in existence.

#### B. WHY A NUCLEAR POWERED CARRIER IS NECESSARY

There has been some question from time to time as to why a nuclear powered carrier as compared to a conventional powered carrier is necessary. The nuclear powered carrier is necessary for the following reasons:

**First. Refueling:** After so many hours of continuous operation at sea a conventional powered carrier must be refueled with black oil. In time of war or strategic emergency it is possible that a conventional powered carrier will need to be refueled at a strategic moment. In the case of a nuclear powered carrier this risk does not take place. The nuclear powered carrier can operate at sea for a long, long time and need have no consideration whatsoever regarding a replenishment of its source of power. In an emergency it will not have to engage in time consuming refueling operations.

**Second. Flexibility:** The nuclear-powered carrier can cover enormous distances at sea at a higher speed without regard to plans for refueling operations.

**Third. Nuclear power saves space:** In a nuclear-powered aircraft carrier much of the space used for the storage of black oil for power purposes can be saved and devoted to other uses.

**Fourth. Aircraft landing hazards:** In the case of a conventional powered carrier during emergency operations at sea it is possible for the landing mirror to be blinded from the pilot in landing his plane, by the black smoke from the stack caused by the black oil being burned under pressure because of the necessary speed required by the ship for landing purposes. The blacking out of the landing mirror by this black oil smoke is indeed a hazard our naval flyers should not be subjected to in view of the fact this is no longer necessary. It is no longer necessary because in a nuclear-powered aircraft carrier there is no such thing as a black oil smoke hazard. In view of the high cost of airplanes and the great need for protecting the lives of our pilots, certainly the nuclear-powered carrier is a necessity compared to the conventional powered carrier from this point of view.

#### C. DIFFERENCE IN COST

In peacetime there are many who try to measure the security of the United States in terms of cost. In wartime survival must be achieved and victory must be won regardless of the cost. A future war, however, can be won only in these times, if the weapons of victory are already in being. There will be no time for construction expenditures after the war has started.

**First. Original cost:** Compared to the conventional carrier, of course, the orig-

inal cost of a nuclear-powered carrier is greater.

**Second. Long-term cost:** If a comparative cost, however, is considered over the entire life of the ship, the cost of the nuclear-powered carrier is less than the cost of the conventional-powered carrier. From the viewpoint of the total life operation of the ship the nuclear-powered carrier will cost less than a conventional-powered ship.

**Third. Nuclear-powered carrier constitutes a preventive weapon of war:** It is far cheaper to spend to prevent a war than it is to finance an actual war. After war breaks out expenditures are unlimited because victory must be achieved. If the building of nuclear carriers can prevent a war, certainly their cost constitutes a fraction of what might be expended if war in fact should take place.

It is to be remembered that the costs of war do not end with the war, but they continue on and on for many years after the war is over. These costs are represented by vastly increased numbers of veterans and our responsibilities to them and by the enormously required reconstruction of devastated areas. If war should come to America within the near future, our veteran responsibilities would be increased by 25 million veterans and the cost to this Nation would be tripled for many years to come over what they are at this time.

In view of this fact the nuclear-powered aircraft carrier which from many points of view is an expenditure or a cost which operates to prevent war must be approved. It is an invitation to disaster to fail to approve the nuclear carrier because of its initial cost.

#### D. THE ISSUE FACING CONGRESS

**First. Failure to approve nuclear-powered carrier represents a sign of weakness.**

Ever since World War II the free world and the Communist world have been engaged in a cold war testing whether or not the free way of life is to prevail in this world. At this very moment the Secretary of State of the United States, the Honorable Christian Herter, is striving to achieve some workable agreement with Communist Russia in order that war might be averted. A failure on the part of the Congress to approve the nuclear-powered aircraft carrier would be interpreted by Communist Russia as well as the nations of the free world as a sign of weakness on the part of the United States. Immediately any efforts of the Secretary of State would become useless. If we fail to approve this carrier, Communist Russia will move in to take advantage of this weakness. Certainly the Geneva conference will end in failure and the world will be on the threshold of a very grave situation. The gravity of this situation might be far too great even for the solution of a summit conference.

**Second. The effect of approval of the nuclear aircraft carrier on American respect abroad.**

If this nuclear aircraft carrier is approved by the Congress at this time, this action will inform Communist Russia and

our Communist enemies that America intends to remain strong and powerful. Approval will inform the free-world nations that the United States is worthy of their confidence and their dependence. Approval will tell the dominated and controlled nations of the Communist world that they still have cause for hope. On the other hand, failure to approve will cause despair among these captive nations. Approval of the nuclear aircraft carrier will provide courage and strength to the American people in the knowledge that the security of America is being greatly increased.

These are reasons which should command every Member of Congress to support and approve the nuclear aircraft carrier.

#### E. LONG EXPERIENCE IN THE CONGRESS AND THE GOVERNMENT

There are some of us here in the Congress who have been here a long time. This time has extended away back in the years before World War I. This long service in the Government of the United States has provided invaluable experience. If this experience means anything, it has disclosed to me that many great problems and great difficulties arise out of national weakness. This experience has shown me that war comes when a nation is unprepared. This experience has shown me that if a nation is to survive, that nation must stand on its own feet and depend upon its own resources.

At this strategic hour in the history of America it is possible to make a wrong decision. Either our Nation can proceed from this cold war into the sunlight of a great future or our country because of a wrong decision can start on its way to a second-class power and on down the road to decay as a great Nation. I say to you that if my experience means anything it means that a vote to increase the strength of this Nation is a vote to preserve and to protect the Nation's future.

It is most important and very fitting at this moment, Mr. Speaker, for the Congress to pause and focus attention upon the future which holds our destiny. Regardless of knowledge is it possible for anyone to determine in advance the great events which might occur which would change all of our lives? The next months, yes, the immediate years ahead will undoubtedly contain move after move of the most critical and vital significance. It is possible for the next terrific series of events to shake the entire foundation and tear the fabric of the entire free world. Today we hear much of our responsibilities for Berlin. Our attention is focused upon Berlin and it is a main issue in these present day conferences. If the Berlin issue should be settled, is there anyone here who believes the cold war would be ended and be but a memory for historians to write about? If you believe this, you are lulling yourself to sleep and a tragic and fearful shock is in store for you.

There is no question but what Berlin is important, not only to the free world but to many human beings. It is not this importance, however, which should command our attention; it is the far more vital issues that lay behind Berlin



that we should concentrate upon. Is it not possible for the whole Middle East to burst into flame? Is it not possible for our country to be confronted with tragic developments in the Caribbean, Central and South America which must command our attention and responsibility? There is China and India and Tibet, all of which vitally concern us and our future. The problems involved are gigantic. Any of them can lead to this war of annihilation we so greatly fear.

In view of these possibilities which can take place in the future is it sensible, is it good judgment to quibble over the comparatively small cost of a nuclear-powered aircraft carrier so necessary to meet the challenge that we might have to face up to in the perilous days ahead? To quibble over such costs is ridiculous. Does anyone think of the cost of water when his house is on fire? Because of this tremendous uncertainty of the future I urge and I plead with the Congress to approve this nuclear-powered aircraft carrier. It could be very well our last chance to have this opportunity.

#### F. CONCLUSION

Because of the reasons I have outlined above, Mr. Speaker, it is my view that this nuclear-powered aircraft carrier which is now before the Congress for a decision is extremely important to the future of this Nation and to the free world. It is my view that the Congress has no choice. The Congress must approve this nuclear-powered aircraft carrier. The future of our country, the future of the free world, the future of civilization as we know it depends upon this approval.

Mr. WALTER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I wish to invite the attention of the House to a case of misleading propaganda appearing in the RECORD of July 27, 1959, on pages 13029 to 13031. The American Automobile Association, interested in the promotion of a campaign designed to stimulate visits to the United States, has sent around as an "atrocity exhibit," an application form described as a questionnaire which every foreign visitor must allegedly fill out before he can obtain a nonimmigrant visa which will permit him to come to this country as a tourist.

The application printed in the RECORD looks very impressive except for the fact that it is not what it purports to be.

Plainly it is not an application or a questionnaire which a tourist coming to the United States for pleasure or for business is required to fill out. The application is one that is used by only some of the consular offices in more difficult immigrant cases and is designed to be executed by aliens who intend to come to the United States as immigrants, to reside here permanently, and to become, eventually, citizens of the United States. Contrary to what the AAA says, no tourist is required to fill that application.

The truth is that a tourist is required to fill out a small card containing nothing besides basic identifying data required by law. A sample of this card is as follows:

|                                                                                                                             |      |                            |               |                                    |                 |
|-----------------------------------------------------------------------------------------------------------------------------|------|----------------------------|---------------|------------------------------------|-----------------|
| Family name                                                                                                                 |      | Given name                 |               | Middle name                        | Travel document |
| Home address                                                                                                                |      |                            |               |                                    |                 |
| Place and date of birth                                                                                                     |      |                            | Day           | Mo.                                | Year            |
| Complexion                                                                                                                  |      |                            |               |                                    |                 |
| Hair                                                                                                                        | Eyes | Height                     | Weight        | Nationality                        | Marks           |
| Marital Status                                                                                                              |      | Sex                        | Race          | Length and purpose of stay in U.S. |                 |
| <input type="checkbox"/> M <input type="checkbox"/> S                                                                       |      | <input type="checkbox"/> M | Ethnic class. |                                    |                 |
| <input type="checkbox"/> W <input type="checkbox"/> D                                                                       |      | <input type="checkbox"/> F |               |                                    |                 |
| Possession of a visa does not entitle bearer to enter the U.S. if upon arrival at a port of entry he is found inadmissible. |      |                            |               | Signature of applicant             |                 |
| Subscribed and sworn to before me on:                                                                                       |      |                            |               |                                    |                 |

At:

Form FS-257 (1-2-59)

GPO: 1959 OF-494398

(over)

The Immigration and Nationality Act has greatly facilitated the free movement of tourists to the United States. The number of tourists admitted to the United States has risen from 353,754 in the fiscal year 1954, to 471,969 in 1956, and to 596,004 in the fiscal year 1958. The current rate of admission of foreign tourists, students, businessmen, newspapermen, and other categories of non-immigrants is rising steadily and of course, no complaints whatsoever are raised by anyone who is required to fill out the very simple form.

I sincerely regret that the American Automobile Association did not check their information by making a simple inquiry in the Department of State before they misled the chairman of one of the most important committees of the other body.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words, and I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. PASSMAN. There has been an understanding, and as far as I know there is no opposition, that we are going to complete consideration of this bill today.

Mr. GROSS. Mr. Chairman, we have heard a great deal this afternoon about investigations of this global baloney program. There have been a good many investigations and a lot of evidence in these hearings and in the hearings before the subcommittee handling the State Department Appropriations bill, chairmaned by the gentleman from New York [Mr. ROONEY]; a lot of evidence of skulduggery, but what happens when this skulduggery is revealed?

On page 239 of the present hearings I find a report from the Comptroller General's Office concerning an irrigation project in Pakistan. It seems—and I hope that some of the members of the committee will correct me if I am wrong in any of these details—that this project was originally estimated to cost \$15 million. Included in the cost of the project was the building of \$850,000 worth of irrigation pumps in Japan. It de-

veloped—and again I ask to be corrected if I am wrong in any of these details—that the pumphouse was not adequate according to the engineering data that had been supplied; that the pumphouse was not adequate to house the pumps. Where the pumps are now I do not know, but apparently at one time they were loaded on a ship in Japan to be sent to Pakistan. Then somebody discovered that the pumphouse was not adequate to house the pumps and so they unloaded them in Japan at a cost of a good many thousand dollars to the American taxpayers.

Then somebody came up with the idea that they ought to have another engineering survey, so the handout artists apparently hired two engineering companies, the Tudor Engineering Co. of Washington, D.C., and the Jenks & Ballou Engineering Co., of Providence, R.I., to go to Pakistan to make a study of this irrigation project. And, lo and behold, these engineers apparently came up with a report that the irrigation project would cost not \$15 million but \$56.7 million, almost \$57 million. In other words, somebody made a mighty expensive mistake. Who made the mistake I do not know, or what it is costing the taxpayers of this country I do not know. But somebody ought to be held to account, and if there is any serious wrongdoing, they ought to be prosecuted and not promoted to another good job as is often the case.

Again, in the case of our esteemed colleague of other days, Sam Coon of the State of Oregon, I point out again that he was threatened, according to the testimony, by the Ambassador in Peru, and the No. 2 man in the Embassy there. They threatened him if he disclosed any of the information concerning the activities of the then director of the ICA program in Peru.

Now, there cannot be any question about the activities of the former director and the fact that he was a coowner of a 17,000-acre ranch in Peru. There can be no question about wrongdoing down there. The question is: What action has been taken with respect to the individual who headed up the mission in Peru?

Is there any evidence that the Ambassador and the No. 2 man in Peru are going to be lifted?

Mr. BASS of Tennessee. They will be transferred and given a raise.



Mr. GROSS. Of course. They will get a reward of some kind.

Here is the case in Laos of Carter dePaul, the mission director, who had a \$600 used Cadillac shipped to that country at Government expense; a 1947 Cadillac, and sold it, according to the testimony before the Hardy subcommittee and the report issued by the committee, for, as I remember it, approximately \$2,000, to a representative of a roadbuilding outfit operating on taxpayers' dollars over in Laos.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. What better job did they give him? They usually give them a better job if they are good spenders and wasters.

Mr. GROSS. I intend to get to that. Eventually they got the automobile out of sight when they started blowing down the back of dePaul's neck. They cut this Cadillac up with torches and dropped it down a well to get rid of it. Then he came back to this country and, according to the Hardy committee report, this same mission director, Carter dePaul, was then assigned by the ICA to be deputy assistant to the director on matters concerning national security and foreign economic policy.

That is the reward for a man who had carried on those manipulations and maneuvers in Laos or wherever it was.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HOFFMAN of Michigan. I was asking what reward he got.

Mr. GROSS. That is his reward.

Mr. HOFFMAN of Michigan. When our Democratic friends were in office, I recall they had a fellow who was a good spender abroad. They had sent him to Korea, then they moved him down to Brazil, and later on they gave him a really good job, where there were millions to spend. He was an expert over there, a waster and a spender both. What are you going to do with this fellow? Are you not going to reward him?

Mr. GROSS. He was probably rewarded with a better job long ago.

Mr. HOFFMAN of Michigan. Oh, I cannot agree with that. This is a Republican administration. I could not go along with that.

Mr. GROSS. You can investigate and complain until you are black in the face, but unless you jail some of these people and make them pay some kind of penalty for their misdeeds, you are not going to accomplish anything. You can spend hundreds of thousands of dollars and millions of dollars on investigations. But what we need is somebody with starch and backbone enough to prosecute some of these crooks.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HAYS. The Acting Director down there issued a statement saying that this man had committed a technical violation of the law. Can the gentleman tell me what a technical violation of the law is?

Mr. GROSS. What man is the gentleman talking about?

Mr. HAYS. The one the gentleman is talking about that had done away with a little money out in Vietnam.

Mr. GROSS. I do not know what he could mean by a technical violation.

Mr. HAYS. He said they were not going to prosecute him because it was just a technical violation.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HOFFMAN of Michigan. He is probably talking about Drew Pearson, who rode along with him back from Europe. This fellow that I was talking about got Pat Brown in California to appoint him to some State office. He has taken care of him.

Mr. GROSS. The gentleman is referring to that junket over to London several Members of Congress took not long ago?

Mr. HOFFMAN. Does the gentleman mean that Drew Pearson business?

Mr. GROSS. Yes.

Mr. HOFFMAN of Michigan. Well, ask him; he is on his feet.

Mr. GROSS. Would the gentleman care to respond?

Mr. HAYS. I did not hear what the gentleman said. I would be happy to respond to an Abbott and Costello movie, and I would be happy to respond to what the gentleman said if the gentleman from Iowa can tell me what he did say.

Mr. GROSS. The gentleman was referring to Drew Pearson's ride with the gentleman from Ohio back from London on that junket that several Members of Congress took a few months ago.

Mr. HAYS. The gentleman is a little bit in error in that, because Mr. Pearson, while he rode back in the plane, gave his ticket to a member of the staff to come back on another plane, so it was a fair exchange. The member of the Senate staff was not able to come that day, and had to come back on some other plane. He had to stay until the conference was finished. We came back a couple of days ahead, so they exchanged tickets. He gave him his ticket and rode back in the gentleman's place. I was very happy to do it, because it did not cost the Government any money. And that is the explanation.

Mr. GROSS. Was that paid for out of counterpart funds?

Mr. HAYS. No; does the gentleman mean Mr. Pearson's ticket? It was paid for in dollars.

Mr. GROSS. Does that curbstone brokerage go on all the time?

Mr. HAYS. The other plane was a MATS plane, as the gentleman knows. And he knows how that was paid for.

Mr. GROSS. Yes, by the taxpayers.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. Gross] has expired.

The Clerk will read.

The Clerk read as follows:

Defense support: For assistance authorized by section 131(b), \$700,000,000: *Provided*, That not less than \$50,000,000 thereof shall be available for Spain exclusive of technical cooperation.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gross: On page 2, line 14, strike out the colon, insert a period, and strike the remainder of lines 14, 15, and 16.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I shall not take 5 minutes.

This amendment would strike out the language on page 2 of the bill which earmarks \$50 million for Spain. I can see no reason why \$50 million should be earmarked for the use of the Spanish Government to the exclusion of all other governments. So far as I am concerned, the whole appropriation could be cut out. I know that is impossible, but I see no reason why there should be discrimination and perhaps inequity as between countries in the allocation of these funds.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. JUDD. Mr. Chairman, I rise in support of this amendment. I think a provision like the one to be stricken out was needed and in order several years ago, and I voted for one several times, when we were first getting the Spanish program started. There was great misunderstanding in our country of the importance to ourselves, in fact the necessity of an assistance program in Spain. There was opposition to it, even in parts of our Government. I supported amendments of this sort earmarking funds for Spain, in committee and on the floor. But such a provision is not necessary now.

As the gentleman from Louisiana said a few moments ago, the administration has in recent years spent more in Spain than the amounts that were programmed for it. There is now full recognition everywhere of the essentiality to our own defense of full support to Spain.

It is bad for the worldwide program of defense support for 12 countries, all of which are important, to cut down by almost 20 percent aid for the other 11 countries and then by this provision increase aid 25 percent for one country. The provision does not accomplish anything that is needed for Spain. It could injure 11 other countries that are also very essential to the security of the United States. It throws the overall program out of balance and only a balanced worldwide program can give us security. I hope the gentleman's amendment will be adopted.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. LINDSAY. I rise in support of the amendment also. On two different occasions during the debate this afternoon, since 12:30 o'clock, I have asked the question as to what logic was behind this particular proviso calling for the mandatory earmarking of \$50 million, and we have not yet gotten a sensible reply.



Mr. GROSS. If we are going to continue this foreign boondoggle, let us do it as equally as possible.

Mr. PASSMAN. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The question was taken; and on a division (demanded by Mr. ROONEY and Mr. PASSMAN, there were—ayes 88, noes 38.

So the amendment was agreed to.

The Clerk read as follows:

Development Loan Fund: For advances to the Development Loan Fund as authorized by section 203, \$550,000,000, to remain available until expended.

Mr. ALEXANDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALEXANDER: On page 2, lines 18 and 19, strike out "\$550,000,000" and insert "\$500,000,000".

(Mr. ALEXANDER asked and was given permission to revise and extend his remarks, and to proceed for 5 additional minutes.)

Mr. ALEXANDER. Mr. Chairman, in regard to this small amendment which I have offered here in regard to the Development Loan Fund, let me just say this. I have listened very intently and very carefully to our distinguished chairman who has worked very diligently on this bill and also to our distinguished minority leader as he spoke in regard to the Development Loan Fund. From the arguments presented by both of these distinguished gentlemen, I was convinced, certainly, a cut ought to be made at this particular point. I might say to you that the Development Loan Fund is a fund, as we all know, that is a soft loan which has to do with about the same thing as defense support. I listened very intently during all of the hearings of this subcommittee, and I do not think there is a member of the subcommittee who can tell you with any degree of assurance what they intend or how to intend to spend the money that is appropriated in this request. As the distinguished minority member of this committee said, this is a phony loan and certainly I agree with him. Why do we have the Development Loan Fund and why is it brought to us with such vigor as we have seen today and from the time that it was started? First of all, when any portion of the program begins to get into a little trouble and we have to sell it to the American people, this is the easiest way to do it because a loan looks to them like it might have some merit. Actually, in order to sell our economic aid program to many of the countries that we were dealing with, in view of the fact that they were proud people, people who just did not want to accept gifts, and since it was just in a little bit better taste if we made the medicine in this form, we made it in the form of a loan. There is no question but that this is economic aid. If you will look at the bill and look at the programs that have economic aid in them, you will see in this particular

bill there is more than \$4 billion out of the \$8 billion available for this fiscal year that comes under economic aid.

If you reduce this bill by \$50 million you will have reduced it just a little bit over 1 percent of the amount available. It would be a vital thing to reduce one of our own domestic bills and appropriations by 1 percent, but here we are dealing with funds that go to 76 countries of the world in which we have got defense support, we have development assistance, special assistance, the President's Asian fund, the President's contingency fund, any one of which can be shifted around; not only that, but also the justification for the Development Loan does not tell us anything about what it is going to be used for. Why is not the figure \$500 million just as good and just as valid as the figure \$550 million?

Let me remind you that Mr. Campbell, the Comptroller General, in his appearance before our committee said that a pattern of loose lax administration runs through the entire complex foreign aid program and he agreed on numerous occasions that they had too much money. If they had too much money is it not logical that the best way to make a better program here is to cut down a little bit on our spending and bring it into line and make it feasible? I might say to you that 2 years ago when Mr. Benjamin Fairless, the Coordinator of the President's Citizens Advisers on the mutual security program, reported to the President he had this to say:

In our view loans by the United States repayable in the converted currencies of foreign nations are undesirable, and the practice of granting them should be terminated. Our relationships with other countries will suffer from the United States controlling large amounts of these currencies. The soundness of our own program should not be jeopardized by inviting repayment of foreign currencies which cannot be freely spent by the United States.

There is no question but what we have some \$2,500 million of these currencies today, and the program has been going only a very short time, currencies that we cannot spend.

Certainly I think we ought to give serious consideration to the fact that this program is growing by leaps and bounds. The subcommittee has just had another request for another half billion dollars to come out of the authorization for 1961 for the development loan program. The boys from downtown say to us that while they do not want to spend it they want to be able to promise some of it to these people who come to them asking this, that, or the other. I believe that certainly we ought to think about this. I might point out to you also, that in this Development Loan Fund a large percentage will go to three nations. Let me show you how it was spent last year. Take the case of India. Last year they were granted loans: For railroads, \$40 million; India again, \$35 million; India again, \$18 million; India again for \$22 million; India, for \$35 million; India for \$10 million; India for \$15 million.

Take Pakistan: \$5,500,000; Pakistan, \$4,200,000; Pakistan, \$14,700,000; Paki-

stan, \$17,500,000; Pakistan, \$9,100,000; Pakistan, \$4 million; Pakistan, \$15,200,000.

I could go on and on. Here are nine places in which they have given to Taiwan. Actually about 80 percent of all the total development loan funds went to those three countries last year. Not only that, but in spite of the fact that out of all other economic aid these countries had received a great portion of our economic aid.

Why do the people downtown want this? They want it because they can control it and spend it in any country they want to. They can spend it as they see fit. I say to you that this little amendment I have offered, involving \$50 million, has merit. The amendment, if it is adopted, will make this program a much better one.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from North Carolina [Mr. ALEXANDER].

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. If Members are going to keep on asking for 5 additional minutes, I am going to begin to talk pretty quickly about Hoffa and Reuther.

Mr. PASSMAN. I thank the gentleman.

Mr. Chairman, the gentleman who offered the pending amendment is a very able member of the subcommittee handling this bill. I mentioned in my remarks prior to the adoption of the authorization my support in this matter. But I wish you would listen carefully while I give you an explanation of what we are up against in connection with this amendment.

The Committee on Foreign Affairs recommended \$800 million. An amendment was adopted on the floor of the House reducing this amount to \$700 million. A majority of the House said that is the bare minimum with which it can operate. The bill goes to the other body and they raise it to \$750 million. Then in conference an agreement was reached on \$700 million.

We gave a lot of attention to this particular item. The committee decided, as the Congress approved a supplemental for \$150 million earlier in the year, although all the fund's obligations were met, we should take that into account, and therefore the committee is recommending \$550 million. Whether I agree or disagree with the program, I hope the membership understands that we gave careful consideration to each and every item in this bill.

I trust, therefore, that the Committee will support the Committee on Appropriations.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from New York.

Mr. TABER. I want to say that I am opposed to the pending amendment, and I hope it will not be adopted.



Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Michigan.

Mr. FORD. I join the chairman of the subcommittee and the distinguished ranking minority member of the Committee on Appropriations in urging rejection of this amendment. I hope and trust that the Committee of the Whole will support the Committee on Appropriations in this matter.

Mr. PASSMAN. Mr. Chairman, I hope the Committee will vote down the pending amendment.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I support the pending amendment. I only wish it was a much deeper cut than the gentleman from North Carolina is urging.

I have here a list of so-called loans made under the Development Loan Fund, which is nothing more nor less than a subterfuge for the outright grants in the foreign aid program.

How are we doing in Indonesia these days, where they have a newly created dictator? We have some so-called development loans over there.

How are we doing in Malaya? Singapore just went Communist. We have some development loans in Malaya.

Of course, I want to remind you again of this loan of \$3 million to resettle Dutch farmers in Australia.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Well, my man, Yankus, left my district to go over there, and I lost four votes when he did.

Mr. GROSS. I thought the gentleman would be interested in this.

Mr. HOFFMAN of Michigan. Is he going to get some of this money?

Mr. GROSS. He will have to ask those who advocate and administer it. I cannot tell the gentleman, but there is \$3 million for that purpose.

Mr. HOFFMAN of Michigan. It does not get to me.

Mr. GROSS. There is \$3 million to resettle Dutch farmers down in Australia.

Mr. HOFFMAN of Michigan. He is not Dutch.

Mr. GROSS. Perhaps he can change his nationality.

Mr. HOFFMAN of Michigan. Do you think we can work it out?

Mr. GROSS. I do not know. We can try.

Mr. Chairman, I support the pending amendment, and I only wish it was for a deeper cut than it is.

Mr. McDOWELL. Mr. Chairman, I move to strike the requisite number of words.

(Mr. McDOWELL asked and was given permission to revise and extend his remarks.)

Mr. McDOWELL. Mr. Chairman, in spite of my disagreement with the severe cuts in the program, I will vote for the bill because I will have no other choice. I am going to support the mutual security program. I view it as unfortunate cuts that have been made and it is my hope that the Senate will restore them in accordance with the President's strong appeal for bipartisanship in our foreign policy.

The cuts are many million of dollars below the figure recommended by the Foreign Affairs Committee of the House and the Foreign Relations Committee of the Senate. Lengthy hearings were held by each of these Committees and the amounts they recommended were that the members of these Committees conspired to be the absolute minimum.

The point has been made that we cannot make ourselves secure by giving ourselves away.

But it is a fact that our country is the richest and most affluent Nation in history and it remains to be proved that we are in any real sense giving ourselves away.

Let us look at this matter calmly and objectively. The mutual security program has wrought some of the miracles of this era. It has helped restore, through the Marshall plan and related programs, our European allies who suffered unspeakable devastation. It has built a clear and secure dike against the onrushing floods of communism and turned them back.

Can this kind of spending really be classified accurately as making ourselves secure by giving ourselves away?

Without the mutual security program we would probably by now be an island fortress in a sea of communism—and the red tide would have grown to such proportions that it would by now be practically irresistible.

Would this have been desirable?

The history of this period would have been immeasurably different without the mutual security program.

There is the parable of the Good Samaritan who stopped to succor the man who had fallen among robbers and had been left to die.

Our country was acting in the great tradition of the Good Samaritan when it extended aid and assistance to those nations which had suffered so grievously in World War II.

We could have kept our wealth, and our goods, hoarding them.

We could have kept them then, and we could keep them now, during this cold war period.

Yet we are in a contest with the Soviet Union and its satellite nations which will decide the course of history for a thousand years.

We can look at misery and starvation and be unmoved.

We can look at the underprivileged nations of the world and counsel them, as the rich and well-fed throughout history have done, to stand on their own feet and especially, to be gone and to leave us alone.

Or we can be the good neighbor, the Good Samaritan, sharing his wealth and helping to succor the less fortunate.

There are many things which need to be done to strengthen the mutual security program. It isn't perfect, far from it.

The Foreign Affairs Committee of the House, and the Foreign Relations Committee of the Senate came up with some splendid suggestions for improving the program.

I was delighted that some few of these excellent recommendations were included in the bill which finally went to the President.

They were not all included but some of them were.

I speak of the Development Loan Fund, particularly, which provides for long-term, low-interest-rate loans.

Here is the direction in which we must move.

I am surprised that many of those who are prepared to cut and cut and cut the mutual security program were not among the supporters of the amendment to increase the amount of the Development Loan Fund and to give it a 4-year authorization.

We must give greater emphasis to economic aid, as opposed to military assistance. The Development Loan Fund is the sound way of doing it.

The Development Loan Fund and the technical assistance program must be continued and strengthened.

Both of these programs must be increased in order that we may place our foreign policy on a sounder economic basis.

The House Foreign Affairs Committee clearly expressed its desire to change the emphasis of our foreign aid from one of giveaway and handouts to one of repayable loans.

It might be important to point out here to the skeptics that no country which has received aid through the Development Loan Fund has ever reneged on its repayments.

These loans are made only on a sound basis, and the history of this program to date commends it in every respect.

Certainly, I do not mean to say that there is no gamble involved in making such loans. However, it is extremely pertinent to mention here that the risk in making a loan through the highly developed and well administered development fund, is much less than the risk incurred by American banks in making loans to the citizens of this country. The office of the Development Loan Fund downtown would, I am sure, confirm this assumption.

We must remember one thing when we are dealing with our foreign aid program and when we are more specifically dealing with the Development Loan Fund. We need the program. It is certainly more than an expression of American nobility and friendship. We are competing today in a struggle which very well may determine whether we, as a nation will survive. This competition is carried on every minute of every day, and in many areas of the world, we have not demonstrated that democracy and capitalism, that free-thinking peoples who may spend the fruits of their labor as they see fit, are desirable. The only way we can give substance to our fine



abstract theories and our way of life is to assist the underdeveloped countries of the world, particularly in southeast Asia, in reaching a level of economic conditions which is conducive to happiness. We all know that hungry people do not have the desire nor the ability to sit back and debate the intellectual differences between communism and capitalism. And sadly enough, communism may be much more effective in filling the empty stomach than democracy. It has been said by many, that democracy as a concept, has little meaning to a starving people. The mind cannot be filled until the rice bowl is.

We can help these people fill their own rice bowls and this has been the main objective of the Development Loan Fund.

To cut off this program, or drastically limit it at this time, would certainly be weakening one of our major weapons in the war for survival.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. ALEXANDER].

The amendment was rejected.

The Clerk read as follows:

Ocean freight charges, United States voluntary relief agencies: For payments authorized by section 409(c), \$2,300,000.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think the distinguished gentleman from Louisiana, the Chairman of the subcommittee, Mr. PASSMAN, is conscious of how deeply he is embedded in my admiration and affection. He is a devoted public servant, one of the hardest workers in this body, and as sincere a man as I have known.

I do not think my good friend, ever courteous and gallant, sought in his remarks in general debate to reflect in any way upon the good and patriotic women who compose the membership of the League of Women Voters. Rather he was doing them the honor of recognition as participants on an equal basis in the debate on foreign policy and mutual security that has been going on a long time, not only in this body, but also in most American homes.

The League of Women Voters has made a tremendously valuable contribution to the functioning of our democracy. It has carried into the homes a better understanding of the great public problems with which we are confronted. If reading and study and discussion makes for a better informed citizenry, and if good government is measured by the number of well-informed citizens, then surely the League of Women Voters has earned the appreciation and the commendation of us in the Congress who must depend on an enlightened citizenry at home in the doing of the tasks assigned us as agents of our constituents.

It was perfectly proper that the League of Women Voters got into today's debate. In fact, there would have been something wrong with the debate if a group of women who are as well versed in the subject as any other group in the country and who are making the study of public questions as important in a woman's life as balancing the household budget, should have been left out.

I am confident that my good friend from Louisiana will join me in this sentiment. When he disagrees, he debates with eloquence and the vigor of his convictions and takes on the opposition, no holds barred. But I have never known OTTO PASSMAN to take on anyone whom he did not appraise worthy of the fray.

(Mr. O'HARA of Illinois asked and was given permission to revise and extend his remarks.)

The Clerk read as follows:

General administrative expenses: For expenses authorized by section 411(b), \$37,000,000.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gross: On page 4, line 2, strike out "\$37,000,000" and insert "\$36,801,300."

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, this is an amendment to take out \$198,700 worth of entertainment and liquor. That is all the amendment does. Now, I do not think we need to dig into the pockets of the taxpayers of this country for \$198,000, almost \$200,000, to provide liquor and entertainment to give away money. I just do not think it is necessary. Maybe I am wrong and old-fashioned, I do not know, but I think it is a pretty good place to stop.

I probably have not covered all of the entertainment and liquor in the bill, but I have read the hearings of the gentleman from New York [Mr. ROONEY] who handles the State Department appropriation bill, and I understand there is about \$800,000 of liquor and entertainment in that bill this year. That ought to be adequate. They ought to be able to work this thing out with the State Department in these various foreign countries.

I urge the adoption of my amendment, Mr. Chairman.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, we have already extracted the representation, that is, the whisky part of the bill. You have to work pretty hard to find any whisky in this bill. And, if you want good administration, you have to give them a sufficient amount to conduct their affairs.

Mr. GROSS. Does the gentleman mean that all of that money is out that they asked for?

Mr. PASSMAN. Well, they will always find the money. You take it out of one place, and they will get it in in another. But, we squeezed out everything that we possible could.

Mr. GROSS. This will squeeze out a little more, then.

Mr. PASSMAN. I think you ought to give them this administrative allowance.

(Mr. HOFFMAN of Michigan asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, one of my colleagues just told me that a few moments ago as I was walking off the floor the gentleman from Ohio [Mr. HAYS] wanted to know something about my sending one of my secretaries around the world at Government expense. Well, now, that is a fair illustration of how much the gentleman knows about what has happened. I am saying here and now that I never sent any secretary around the world either at my expense or at Government expense.

Mr. HAYS. Mr. Chairman, I move to strike out the last word.

Well, I do not profess to know everything, but I happened to be on that trip and the gentleman's appointee was on it, and I know that she went. She did not get quite around the world, just as far as the Near East and back. And I know why she went. I do not yield.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. Gross].

The amendment was rejected.

The Clerk read as follows:

President's Special Authority and Contingency Fund: For assistance authorized by section 451(b), \$155,000,000.

Mr. ALEXANDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALEXANDER: On page 4, line 6, strike out "\$155,000,000" and insert "\$100,000,000."

(Mr. ALEXANDER asked and was given permission to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Chairman, this amendment would just reduce from \$155 million to \$100 million the President's contingency fund. This is the exact figure that was authorized in the House bill. This is not the figure that was authorized in the conference report of the Senate and the House, but this was the amount that was adopted by the House as sufficient for the President's contingency fund.

What is the purpose of the contingency fund? When it was first started it was intended that it should take care of any emergency that might come up; the President would have the money and the authority to use the fund for the particular purpose. The only strings that were tied to this fund were that the President could not use it for the Development Loan Fund, nor can he use it for any domestic program. He may use it for anything he desires anywhere in the world for people outside of the United States.

Let us be practical about this. We are going to leave here and then we will be back in January. If any emergency arose, we could be called back here in special session. I think if we give the President the authority to use, in any way he sees fit, \$100 million, it seems to me we are being pretty liberal.

Mr. Chairman, I am certainly not being partisan about this matter. It would make no difference to me whether our President were a Republican or a Democrat, so far as this contingency fund is concerned. But I say to you very honestly and frankly that I think \$100 million is sufficient to take care of this matter.



I have here a statement of exactly how the President's contingency fund was spent last year. I am going to be candid and honest with you and say that this particular fund has been used to thwart the will of Congress, in this respect, that when we set a limit on certain economic aid bills, they come along and use the President's contingency fund to supplement that. When we in the committee or the subcommittee feel that we have given them an amount that is sufficient to be used for a particular purpose, then they come along and supplement it by this fund, whether it is for special assistance, defense support, technical cooperation, or other programs such as the exhibit in Moscow, or world relief.

The only argument that I have heard for this is that the President has asked for it. Let me say this, Mr. Chairman, that we, as Members of Congress have a duty to perform here in the working of our mutual security program. I do not think we ought to abdicate our authority and just give blanket authority to the Chief Executive irrespective of who he may be. I think we ought to exercise our prerogatives and our judgment in these programs.

I think that giving the Chief Executive \$100 million to use is providing him with sufficient funds. Why do they want this? Because there are no strings attached to it. They can shift it, they can do anything they want to with it. I think that if we in the Congress want to make this program more effective and better for the people of this country we have got to begin to put strings on it, to set out guidelines as to how the money will be spent. This is one way to do that.

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer a preferential motion. The Clerk read as follows:

Mr. HOFFMAN of Michigan moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

(Mr. HOFFMAN of Michigan asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN of Michigan. How many years we have been on this worthy and charitable program I do not recall. How many billions we have given away I have not the slightest idea. But as has been pointed out by the gentleman from Virginia [Mr. HARDY] time and time again, there has been waste and you might say corruption in connection with its operation. The gentleman from Iowa [Mr. GROSS] has more frequently called attention to similar situations. So that sometime, as has been so earnestly said by the chairman of the subcommittee, the gentleman from Louisiana [Mr. PASSMAN], before we go bankrupt ourselves, we ought to begin to revise the program. Now I have no objections—it is a wonderful thing to help people in other countries, aiding other people or nations in any reasonable way or amount, and America always has been the first to extend aid to others. But help or aid is one thing and building up competition for our own workers and for

our own industry is something else again. So, in my judgment, that is why I offer this motion. That is one reason why I offered it. It is time we cut down on one of these bill and force—you get that?—force a reevaluation of the whole program.

In reply to the gentleman from Ohio [Mr. HAYS] who made the statement or asked the question or said something about my sending a secretary around the world, that is an illustration of how loose some folks get in their thinking and their talking. Twice—once when I was chairman of the Committee on Government Operations and once when I was ranking member, have those with whom I was acquainted and who had worked for me in years gone by gone around the world. But, those times, I think the gentleman sitting in front of me, the gentleman from South Carolina [Mr. DORN] was on one trip. I know the gentlemen over here were on that trip and others were on the committee and on two investigations. But, neither time and never—and I repeat that never—has anyone on my staff, while they were on the staff, gone around the world or anywhere else at Government expense. What the gentleman does not know is that they were employees of the committee and went as such and as committee representatives. I hope the gentleman corrects his statement for it is not in accord with the fact.

Mr. FORD. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I, of course, feel that the bill should not be sent back to committee. One of the reasons why the bill should not be sent back to the committee is because the contingency funds are a very important item in the overall total of this proposal before us today. The President recommended \$200 million for the contingency fund for the fiscal year 1960, but the authorizing legislation makes in order only \$155 million. The Subcommittee on Mutual Security as well as the Committee on Appropriations, has recommended the full authorized figure.

The gentleman from North Carolina has made the point that this contingency fund is something that has not been utilized to the fullest extent. In the fiscal year 1959, out of the total of \$155 million, only about \$184,000 was unobligated. The total obligated was for good and sufficient purposes directly connected with this program overall. It is anticipated that if the amount of \$155 million is made available to this program in fiscal 1960, it will be utilized to implement the basic objectives of the program as emergencies arise. I think it would be foolhardy, it would be a gamble with the security of this country if we should not leave with the President, after we adjourn, sufficient funds to meet emergencies of any and all categories. If we cut this program, the contingency fund, by \$55 million, in my judgment, we are taking an unnecessary gamble and one that might seriously place in jeopardy our own security.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield.

Mr. JUDD. Having spoken a moment ago in favor of removing the provision earmarking certain funds for Spain, I want to point out again, as I did previously, that the administration gave more to Spain last year than was programmed and it came from the contingency fund. It was able to take care of certain economic difficulties that arose in Spain, and also the crises in Lebanon, Jordan, Iran, and various other emergencies, only because there was adequate money in the contingency fund. So having earlier removed the provision earmarking defense support funds for Spain, there is all the more reason to keep the full amount in the bill for the contingency fund. Therefore, we should vote against this amendment to cut the contingency fund.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Michigan [Mr. HOFFMAN].

The motion was rejected.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment offered by the distinguished gentleman from North Carolina. I am certainly pleased to observe the enthusiasm in this Chamber for getting this foreign aid bill under control. Some of us have fought for many years to provide in this bill funds on the basis of reasonable need rather than the inflated amounts requested by the department. I call to your attention the fact that this particular item has already been reduced by \$45 million. The budget request was for \$200 million. This is the President's contingency fund. It will place in the hands of the President \$80 billion. We should not tie his hands in this item. From the days of Woodrow Wilson the President has had, I think, a certain contingency fund—of course, not as large as this one. But President Truman and President Roosevelt had the use of a certain contingency fund, and we did not touch them in the past. Similarly we have been somewhat reluctant to cut the President's contingency fund in this bill. We have made a reduction of \$390 million in the regular authorizing legislation. We took out an additional \$500 million in cuts made in the committee when we reported the bill. So we have reduced the bill before you by \$890 million. If you cut it further, then when the bill goes to the other body and all of the money is put back in, it will be rather difficult to control it in conference.

This is the President's contingency fund, and I am willing to trust the President to use it prudently and wisely.

It is my hope that you vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. ALEXANDER].

The amendment was rejected.

The Clerk read as follows:

#### DEPARTMENT OF STATE

Administrative expenses: For expenses of the Department of State as authorized by section 411(c) of the Mutual Security Act of 1954, as amended, \$7,900,000.



Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the gentleman if this provides any furniture or sculpture for the new State Department Building.

Mr. PASSMAN. That will be carried in another appropriation. This is for administrative expenses only.

Mr. GROSS. Administrative expenses only?

Mr. PASSMAN. Yes.

Mr. GROSS. And not for any of these gewgaws and doodads they want to put on and in this new State Department Building?

Mr. PASSMAN. No; I can assure the gentleman on that.

The Clerk read as follows:

LIMITATION ON ADMINISTRATIVE EXPENSES,  
DEVELOPMENT LOAN FUND

Not to exceed \$1,750,000 of the funds of the Development Loan Fund shall be available during the fiscal year 1960 for administrative expenses of the Fund covering the categories set forth in the fiscal year 1960 budget estimates for such expenses.

Mr. FLYNT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLYNT: On page 5, after line 21, insert the following:

"SEC. 101. None of the funds appropriated by this title shall be available for expenditure until the Congress has adopted a concurrent resolution (1) which states in substance that the Congress finds that the aggregate of the estimated net budget receipts of the Government of the United States for the fiscal year 1960 will exceed the aggregate of the estimated expenditures for that fiscal year which will be made by the Government of the United States for purposes other than those contained in the Mutual Security Act of 1954, as amended, and (2) which specifies the amount of such excess. Upon the adoption of such a concurrent resolution, then each item of appropriation contained in this title is automatically reduced to an amount which bears the same ratio to such item as the excess specified in such concurrent resolution bears to \$3,186,500,000."

Mr. PASSMAN. Mr. Chairman, I reserve a point of order against the amendment on the ground that it is legislation on an appropriation bill.

Mr. FLYNT. Mr. Chairman, this amendment is proposed and offered for two purposes:

First. To write into law that the mutual security program shall not be paid for by deficit financing; and

Second. To make another genuine attempt to balance our national budget, bring an end to deficit financing and make some payments on the existing national debt.

Let me in the very beginning emphasize that I fully realize that the mutual security program is not, per se, responsible for all deficit spending. The deficit for fiscal year 1959 alone was several times the amount contained in the mutual security appropriation bill for that same fiscal year.

However, I believe very strongly that the mutual program often is the excuse for reckless spending in other bills which, over a period of time, may be directly or indirectly responsible for at

least one-third to one-half of the total of the present national debt.

When the House of Representatives considered the authorization bill, H.R. 7500, I offered a similar amendment to that bill. I stated then, and I now repeat, that this is not a crippling amendment. It is not offered to cripple or destroy this appropriation bill or the program.

It is, however, offered as a solemn and realistic approach, which I am confident will do much to correct abuses and misadministration in this entire program. If certain abuses and instances of both misadministration and maladministration can be corrected and prevented, the mutual security program might more nearly achieve its goal and accomplish its objective.

I realize the importance of the overall program of mutual security. Properly and adequately administered, it could perform a magnificent part of our whole foreign policy, achieve a modicum of lasting security and freedom for our Nation and our allies. But I cannot believe or acquiesce in the belief, expressed or implied, that we can ever accomplish this goal while we continue full speed down the road of deficit spending which can lead only to a total repudiation of all Government bonds and obligations by either outright repudiation or by ruinous inflation. Our Nation, our constitutional form of Government and our very way of life can be destroyed by economic attrition as well as by the armed might of a hostile aggressor.

Let us assume for a moment that the overall mutual security program is good, that its objective is high and noble, and that with proper administration it can accomplish its mission of helping to achieve lasting world peace. I hope all of these things are true and that its objective will be achieved.

If that is the case, it is worth paying for with tax dollars out of a balanced budget and we should not attempt to evade true payment by using the fictitious funds of deficit financing. If it is worthwhile, it should be done properly and paid for honestly and with genuine dollars from a balanced budget.

If on the other hand it is not a worthwhile program, we should not delude ourselves and the American people with the utterly ridiculous position that it is not costing us anything anyway, because we are paying for it with borrowed money which may never be repaid anyway.

Let us review recent history very briefly. We engaged in and won World War II after the most complete military, economic, and industrial mobilization which our country has ever brought about. As a nation and as a people, we paid dearly with the lives and bodies of thousands of young American men. Both our manpower and our economic resources were utilized to the extent of nearly 15 million men and nearly \$400 billion. Everyone remembers and realizes the magnitude of those figures, but there is a tendency to forget one very important contributing factor—and that is that the gigantic economic mobilization was made possible because the Gov-

ernment of the United States was solvent throughout the war period. If the solvency of our Treasury had collapsed and if credit could not have been obtained by our Government, our war effort might have been seriously jeopardized because both military and industrial mobilization depend upon economic soundness and stability.

It is a recognized fact that our national debt stands at a figure greater than the combined debts of all other nations in the world, and of this we are certain: This debt must either be paid or it will be repudiated; if it is paid our position of strength will be preserved; if it is repudiated our economy may collapse.

As I have stated before, if this program is good and sound, it is worthy of being paid for by whatever sacrifice is required. If it is to be paid for, it should be paid for out of a balanced budget.

There is no better place to begin than here. There is no better time to begin than now.

I hope the amendment will be adopted. (Mr. FLYNT asked and was given permission to revise and extend his remarks.)

Mr. PASSMAN. Mr. Chairman, I insist on my point of order that it is legislation on an appropriation bill.

The CHAIRMAN (Mr. MILLS). The Chair is prepared to rule.

The gentleman from Georgia [Mr. FLYNT] has offered an amendment to which the gentleman from Louisiana makes a point of order.

The Chair has had an opportunity to examine the amendment offered by the gentleman from Georgia and is of the opinion that the amendment itself is beyond the usual limitation on an appropriation bill, in that the amendment would place additional responsibility and duties on the Congress and require additional action by the Congress, which constitutes legislation.

Thus the Chair must sustain the point of order made by the gentleman from Louisiana [Mr. PASSMAN].

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dowdy: On page 5, after line 21, add a new section as follows: "No part of any appropriation contained in this Act shall be expended, in the event any such expenditure will increase, directly or indirectly, the public debt of the United States of America."

Mr. PASSMAN. Mr. Chairman, I reserve a point of order.

Mr. TABER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. TABER. Mr. Chairman, it creates additional duties and changes existing law.

The CHAIRMAN. The Chair will hear the gentleman from Texas on the point of order.

Mr. DOWDY. Mr. Chairman, the amendment I have offered puts a limitation on an appropriation. I offered the same amendment in previous years and it has been held not to be legislation upon an appropriation bill. The fact of



the matter is it follows in words section 102 of the present bill.

The CHAIRMAN (Mr. MILLS). The gentleman from Texas offers an amendment to which the gentleman from New York makes a point of order on the ground that the amendment is legislation on an appropriation bill, therefore not germane to the bill before the Committee. Though the amendment appears to be in the form of a simple limitation on an appropriation bill, the chair is of the opinion that the amendment itself will place additional duties and responsibilities and functions on someone perhaps in the executive department or in the Congress.

Mr. DOWDY. Mr. Chairman, in a previous year that very amendment has been ruled on to the contrary by the Chair.

The CHAIRMAN. If the gentleman would cite the decision, the Chair would be glad to have it.

Mr. DOWDY. I think it was 2 or 3 years ago on this bill. I do not have the decision.

The CHAIRMAN. The present occupant of the chair does not recall it. In view of the gentleman's statement, the Chair is constrained to withhold his final decision until he can look into the matter.

Mr. DOWDY. It was 2 or 3 years ago. I am not sure which it was.

The CHAIRMAN. The Chair hopes that the gentleman from New York who made the point of order will bear with the Chair and permit the Chair to recognize the gentleman for 5 minutes to discuss his amendment while this point is being determined.

The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. DOWDY. Mr. Chairman, I do not care to talk for 5 minutes on the matter. I raised the same point which the gentleman from Georgia was attempting to bring up with his proposed amendment in more words. It carries out only the effort that I made when I offered an amendment to the authorization bill a few weeks ago and which we tried to bring to the attention of the House and the American people as to what was happening in the name of charity, trying to help other countries, and in so doing what they are doing to the people of the United States. Actually, we are borrowing money and increasing our debt to give to other countries to protect them from having to have deficit spending themselves. We borrow money and increase the United States debt to give to other nations to pay off their debts. We borrow money and increase the national debt of the United States to give to other nations to permit them to reduce their own taxes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman explain exactly what his amendment does?

Mr. DOWDY. The amendment purely and simply says that if you have got to borrow money to make these gifts to

foreign nations, you cannot make the gifts. Now, if we have a surplus, you can make all the gifts that are authorized, but you cannot borrow money to give away. That is all the amendment does.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Louisiana.

Mr. WILLIS. I think there is another condition to the gentleman's amendment, that in borrowing you exceed the public debt.

Mr. DOWDY. No, no. I say that none of this money shall be given away if it will directly or indirectly have the effect of increasing the public debt.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Louisiana.

Mr. PASSMAN. How could the gentleman determine until the end of the year, when the receipts are balanced against expenditures, whether you have to borrow money; whether or not you borrow money for this program or whether or not you borrow for some other program?

Mr. DOWDY. If you have to borrow any money, it is going to be voided by my amendment, if it is adopted.

Mr. PASSMAN. You pay the bills during the year, and you would have to wait until the end of the year to determine whether or not there is a deficit or a credit.

Mr. DOWDY. No. If I understand the way these foreign aid givers operate, it will be about 3 years before this amendment would take effect, anyway.

Mr. PASSMAN. Of course, the Government borrows money in years when we have a surplus, in maneuvering and handling the public debt. I do not believe this proposal actually could be administered.

Mr. DOWDY. Many, many States have constitutional limitations; that they have got to pay as they go. That is all this would be, a pay-as-you-go bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Iowa.

Mr. GROSS. There are plenty of pipelines to take care of that, anyway.

Mr. DOWDY. It would probably be 3 years before this would take effect, anyway.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield.

Mr. TABER. This amendment would require somebody to make a determination and therefore it does call for additional duties that are not now provided for.

Mr. DOWDY. I think the gentleman is wrong about that. It seems to me that back in January the administration said that in this fiscal year they were going to wind up with a deficit of around \$13 billion. They already had made that determination last January. It would not necessitate additional duties, because they make the determination months ahead, anyway.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield.

Mr. PASSMAN. Would not that encourage the Executive to estimate the revenues larger than they actually would be? How are you going to control that? If they increase their estimate, certainly they would not be violating the law, if the estimates were to fall short.

Mr. DOWDY. They would be violating the faith that the people had put in them. That is one reason why I am offering this amendment. I do not want to violate the faith that the people have put in me.

Mr. PASSMAN. If you can work out a system that is workable, to control expenditures and keep them within revenues, that is one thing. But I am afraid we would be doing violence not only to this program, but to other programs, if the gentleman's amendment were adopted.

Mr. DOWDY. It is my opinion that we shall never balance the budget until we put the screws on the people who are doing the spending. They are going to spend every dollar they can get, whether it comes from taxes or is borrowed, as long as we let them have the money, or it is otherwise available to them to spend.

The CHAIRMAN (Mr. MILLS). The time of the gentleman from Texas has expired.

The Chair is now prepared to rule on the point of order.

The Chair appreciates the fact that the gentleman from Texas called the attention of the present occupant of the chair to the amendment offered in connection with the appropriation bill for mutual security in 1955. The gentleman from Texas at that time offered an amendment which is not identical with the amendment he offered today, although apparently the purpose of the amendment offered then and that of the amendment offered today are the same. The language varies slightly.

The Chairman of the Committee of the Whole, on that occasion, the gentleman from Pennsylvania [Mr. WALTER], held that the amendment offered then in 1955 was merely a limitation. The present occupant of the chair feels constrained to follow the precedent pointed out by the gentleman from Texas and therefore overrules the point of order.

The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The question was taken; and on a division (demanded by Mr. DOWDY) there were—ayes 53, noes 125.

So the amendment was rejected.

The Clerk read as follows:

#### GENERAL PROVISIONS

SEC. 102. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Mr. THOMSON of Wyoming. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMSON of Wyoming: Page 5, after line 25, insert a new



section as follows and renumber subsequent sections:

"SEC. 103. None of the funds herein appropriated for Defense Support, the Development Loan Fund, Special Assistance, or the President's Special Authority and Contingency Fund shall be used to finance nonmilitary programs or projects which have not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the continental limits of the United States of America as per circular A-47 of the Bureau of the Budget, dated December 31, 1952."

Mr. CONTE. Mr. Chairman, a point of order.

Mr. THOMSON of Wyoming. Mr. Chairman, will the gentleman reserve his point of order?

Mr. CONTE. Mr. Chairman, I reserve my point of order.

(Mr. THOMSON of Wyoming asked and was given permission to revise and extend his remarks.)

Mr. THOMSON of Wyoming. Mr. Chairman, this is an amendment that I think is easy for every Member to understand. It does not require a great deal of explanation. All of us are familiar with the standards we set for public works projects in the United States. Almost everyone's district is affected by those programs. I have purposely selected these standards because they are the most lenient standards you could take. They merely say that costs must be determined; that benefits both direct and indirect must be determined; and that the total benefits must exceed the cost. When it comes to benefits, not only are the direct benefits and the repayment possibilities counted in but also indirect benefits such as what the project can be expected to do for the economy and so forth, and finally it gets down to whether it makes people happy. The purpose of this would be to just require these people administering the programs to put down in black and white what we are going to do and where, and to evaluate it so that we will be able to accomplish a major portion of the investigating procedure that is followed when these bills come to the Committee on Appropriations. With the amendment we could ask for a justification sheet that would show us how they have allotted so much money to a country and how it is justified project by project. I say that not only can we understand this but the people back home can understand this. I think they will understand this whether this amendment is adopted or not. I would be hopeful that persons considering making a point of order would think if that in determining whether or not to insist on the point of order. To those who support the purposes of this bill, this amendment is not an attempt to scuttle the foreign aid program. It does not touch military assistance or the true mutual security program. Conversely, I must say in all honesty to those gentlemen who oppose the bill in its entirety, it will not, in my opinion, stop the construction of a single project.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wyoming. I yield.

Mr. PASSMAN. It is my understanding that this amendment was offered in the full committee and the full committee accepted the amendment, and you asked consent to withdraw it and perfect it. This is the amendment the committee agreed to accept on the floor of the House.

Mr. THOMSON of Wyoming. I appreciate the chairman of the subcommittee pointing that out. I would like to say this. You must be asking yourself why I have offered this amendment. It is a sincere effort to improve the program and I hope it will have the support of all Members, friends and foes of the foreign aid bill. Since I came to the Congress, I have served on the Committee on Veterans' Affairs and on the Committee on Interior and Insular Affairs. I have served on four subcommittees of the Committee on Interior and Insular Affairs in addition to the Committee on Appropriations. In every one of those responsibilities, I have had people coming in to me, Americans saying, "We want this from the Federal Government because if we can afford to give it away to foreign countries, we can afford it here." I have to agree with them although I have frequently refused to support their requests. If we could at least have some justifications along the same standards of public benefits and know the benefits to the country at least in which you are building the project will at least exceed the cost, it would help us and help Americans everywhere to understand. I think we are at least entitled to that. We are entitled to that so that we can go home and explain to our people and to our voters that we are not just throwing this money around all over the world. The striped pants boys object to this because they do not want any control and they want to throw it around.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wyoming. I yield.

Mr. JENSEN. I commend the gentleman for his amendment. I hope it is adopted. Surely, these foreign countries should be willing to abide by the same rules and regulations as American people abide by in these reclamation projects and that is all the gentleman is asking.

Mr. THOMSON of Wyoming. I agree and thank the gentleman. He has always been a stalwart supporter of sound government and economy in government. I would point out to the gentleman, I think the blunders and extravagances in this program have been bipartisan and they have gone on under both this administration and the previous Democrat administration.

I am confident that this was in spite of the efforts of the Presidents and top echelon officials in both of those administrations. The underlying trouble is with bureaucrats who have run the program, regardless of the political complexion of the administration. This solution proposed to help any administration be it Democrat or Republican, to eliminate the blunders and extravagances, is also bipartisan in nature. The standards and criteria which we seek to apply by this amendment were

formulated and proposed in December of 1952, as one of the last acts of an outgoing Democrat administration. They have apparently stood the test of time very well, as they have been continued unchanged for more than 6 years of the present Republican administration's tenure in the executive branch. They have been found realistic and sufficient to determine what is good for our people.

If such programs are going to win friends for America abroad, they must also be sound, well-considered programs and good for the people. A poor project that is a lemon will win no friends.

Many of us have voted against the entire foreign aid program time and time again, because after seeing the blunders and extravagances of the striped-pants boys, we were convinced that it was doing more harm than good and that it threatened to destroy America at home by driving us to national bankruptcy. The direct cost of this program and its counterparts now exceed \$80 billion. I say direct costs because I am convinced that the indirect costs in spending at home on bad projects justified on the basis that I have mentioned probably far exceeds the total national debt of \$285 billion.

Most of all, though, a project that is poorly conceived and evaluated destroys the very purported purposes of these programs.

In one instance, a friend of mine working with the program, coming back from the Far East, pointed to an irrigation dam which had been constructed, only thereafter to discover that the lands proposed to be irrigated were not susceptible to irrigation. Building steel plants that a country cannot support; highways that go nowhere, and without cars or trucks to travel on them, have the same effect. As he pointed out on the irrigation project, the people of that country and surrounding countries pointed to it as a monument to stupidity. On the other hand, the Russians come in and build a mousetrap that works, and the people of the country talk about what great technicians they are.

Time does not permit my going into the hundreds of such projects. You have read of them. At page 940 of the hearings appears a long list of the different types of projects that have been constructed all over the world, ranging from forestry projects to fisheries to coal mines to fertilizer plants to mineral developments to highways, and on down to industrial developments.

The General Accounting Office has made audits and reports as required by law. I will confine myself to their conclusions. The General Accounting Office report of January 1959, at page 38 in the Index for the Department of State, refers to "need for sound obligating procedures"; "need for better program planning and administration of project type aid"; "need for adequate accounting and observation of the use of aid funds"; and "need for economy and efficiency in technical and administrative support."



I quote from page 40 of the report:

The absence of adequate advance planning, in the form of firm technical and financial plans and reliable cost estimates, and failure to reach definitive understanding with the recipient nation on all essential project elements have led to overprogramming, piecemeal financing, and premature obligations of aid funds. This condition has frequently resulted in delays in the execution of project aid and contributed to significant cost increases.

In the testimony of the Comptroller General, at page 197 of the hearings, appears the following statement:

Also, our examination disclosed certain administrative procedures and practices, in particular relative to the evaluation and approval of loan applications, which we believe are not consistent with the criteria represented to and contemplated by the Congress, or with sound business standards.

In the committee report which is before you, at page 5, appears the following:

An audit by the General Accounting Office of Development Loan Fund operations in fiscal year 1958 revealed that the Fund had allocated loan funds to programs rather than to specific projects in several countries. While the Fund may have the legal right to do so, as evidenced by the opinion of the General Counsel of the General Accounting Office, pages 1715-1717 of the hearings, it is the committee's opinion that such allocation of funds pending receipt of firm proposals from the borrowing country is contrary to the legislative history of the Fund and the testimony presented to various committees of the Congress.

These and other abuses have led to proposals for intensive, extensive, and expensive investigations which you have heard discussed this afternoon. I repeat, this amendment will not stop any project, but it will inform Congress, and thereby do a large part of this investigative work. Reports and testimony from the administrators of the program over the years seem to have been designed to confuse and conceal, rather than to inform Congress and the American people. If this amendment is adopted we will be able to call for justification sheets, presented in a manner with which we are used to dealing. We will at least know that the agency gave some thought, investigation, and evaluation to the proposal. We will at least know, in the case of a loan, what part can reasonably be expected to be repaid. We will at least know the direct benefits and how they were computed. Under indirect benefits, we will know how much has been charged off to just making people happier.

It is expected by me in offering this amendment that projects to construct industrial facilities will be included, and all other types of non-military projects which are constructed from the funds mentioned. On last year's bill, the chairman of this subcommittee had to determine through an exchange of letters between someone outside of Congress and the agency that the agency was not only interested in making funds available to anyone who would construct a cotton textile mill in the Far East, but was volunteering to help them develop markets for the finished product in the United States to make it a success. As

to this type of projects, I think this bill could be well cited as an investment banker's bill. To a large measure, this explains Wall Street support. The American worker and the American businessman, though, is at least entitled to know that the payout on an enterprise constructed with their tax dollars comes from taking away their markets with a product that is produced cheaper because of low wages and lower taxes. These standards and criteria are adaptable to that and all other types of projects.

I repeat that I am convinced that this will help the program objectives. It will weed out bad projects. It will operate to inform the Congress and the American people where and for what the money is going. It is a step in the right direction to get this program under control, both as to scope and the success of undertakings initiated under the program. In a country where we have hardly had a post office building built in the past several years, in a country where we are confronted with being very selective as to our own public works projects, is it not fair to ask that projects built all over the world at least be feasible projects, by the same standards applied to proposals here in the United States. We have many feasible projects authorized and approved which are not being constructed because of limitation of funds. We are confronted with a serious problem as to our very defense highway system. On July 8, 1955, when we were considering this same appropriation bill, I had this to say:

We are questioning our ability to finance a highway program to stop the slaughter of Americans on our roads. The program is considered essential to our national defense. Here we are, taxing ourselves at a higher rate by far than any of the countries we propose to help. It seems incredible to me that we could consider raising our own tax rates on our own people, or letting our necessary public works programs go abegging, while we rob our tax funds and add to them with borrowed money to create this tremendous slush fund for foreign aid.

The same is equally true today.

If this amendment is adopted, I am confident that it will be a real step in the right direction to eliminating the extravagances and blunders of the program and to gaining some confidence and approval of the American people for the program. I hope it will have your support.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. CONTE] insist on his point of order?

Mr. CONTE. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. Does the gentleman make the point of order against the amendment on the ground that it is not germane?

Mr. CONTE. That is right, Mr. Chairman. I make the point of order against the amendment on the ground that it is not germane, and also on the further ground that it is legislation on an appropriation bill.

The CHAIRMAN (Mr. MILLS). The gentleman from Wyoming [Mr. THOM-

SON] has offered an amendment to which the gentleman from Massachusetts makes a point of order on the ground that it is not germane and it is legislation on an appropriation bill. After examining the amendment offered by the gentleman from Wyoming, the Chair is of the opinion that the amendment is a limitation on an appropriation bill and the point of order is overruled.

The question is on the amendment offered by the gentleman from Wyoming [Mr. THOMPSON].

The amendment was agreed to.

Mr. BENNETT of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT of Florida: On page 5, immediately below line 25, insert the following:

"SEC. 103. No part of any appropriation contained in this Act shall be used to carry out any agreement for cooperation heretofore or hereafter entered into which is required to be submitted to the Joint Committee on Atomic Energy under section 123(d) of the Atomic Energy Act of 1954, as amended."

And renumber the following sections accordingly.

Mr. PASSMAN. Mr. Chairman, I make a point of order against the amendment, and will reserve the point of order.

Mr. BENNETT of Florida. Mr. Chairman, there are a number of reasons why this amendment should be adopted. First, we run the risk that our own atomic know-how will be used against us, as today's friendly foreign nation may become tomorrow's enemy. American history shows the transience of national friendships and enmities. During the past century, the United States has been at war successfully with Spain, Germany, Japan, and other nations. In none of these wars was it clearly foreseeable many years in advance that these would be our future adversaries. So swiftly do the fortunes of international relations change that it is quite possible that by 1970 the United States and the Soviet Union will be allied against some nation or group of nations whom we now consider friendly. Some say that Mainland China might be an enemy of Russia by then and ours as well; or perhaps will it then be our ally alone?

Second, we run the risk that there may be a change of government in foreign countries with which we share these secrets. A good example is Czechoslovakia. Before this fine little nation fell to the Communists as a result of intrigue and strong arm methods in 1948, it was one of America's warmest friends and allies. If we had given such secrets to that nation before 1948, they would have passed to the Soviets immediately upon a change in its government. Using the same techniques, the Communists could take over one or more of the countries which are now being proposed for atomic sharing. Or, some unfriendly, fanatical, local dictator may take over some friendly ally and change its policies to oppose us.

Third, even though the governments of these nations remain friendly, their security systems may not be adequate to



contain our secrets. For example, the security system of our great friend and ally, Great Britain, was inadequate to prevent Fuchs from successfully passing to the Soviets the secrets which he obtained in our country. And so different is their thinking on security from ours that they have now released Fuchs after a few years imprisonment for activity similar to that for which we executed the Rosenbergs. We cannot interfere with Britain's security system, but it is not at all unreasonable for us to tell them that until they improve their security safeguards we cannot share our secrets with them.

Fourth, even where a friendly foreign nation remains friendly and maintains an adequate security system, we run the risk of losing control over the uses to which atomic secrets will be put. A fanatically anti-Communist ally can use weapons developed with these secrets to bring about a war which we are attempting to avoid. Or such weapons may be used against other nations which are also our friends.

Fifth, the more nations possessing substantial atomic weapons, the greater danger there is that the world will be plunged into war by an unintended international incident resulting from negligence, error, or even accident.

Sixth, the more nations which become atomic powers, the more radioactive will be the atmosphere from atomic testing and the harder it will be to reach enforceable agreements against testing.

For these reasons, Mr. Chairman, I offer this amendment and urge its adoption.

Mr. PASSMAN. I can assure the gentleman there are no funds in this bill for the purpose against which he places a limitation.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. BENNETT of Florida. I yield.

Mr. WIER. I want to associate myself with the purpose of the gentleman in offering this amendment. It is a noble purpose.

Mr. PASSMAN. Mr. Chairman, I withdraw my point of order.

Mr. TABER. Mr. Chairman, I make the point of order that this is legislation on an appropriation bill. It is not a limitation because it provides that it shall affect any agreement for cooperation heretofore or hereafter entered into which is required to be submitted to the Joint Committee on Atomic Energy under section 123 of the Atomic Energy Act of 1954 as amended, and it imposes additional duties upon the administrators of that act.

Mr. BENNETT of Florida. Mr. Chairman, does not the point of order come too late? The gentleman from New York did not reserve a point of order.

The CHAIRMAN. It did not.

The gentleman from Florida offers an amendment to which the gentleman from New York raises the point of order that the amendment is legislation on an appropriation bill. The Chair has had an opportunity to examine the amendment.

The Chair is of the opinion that the amendment is a simple limitation on an

appropriation bill and points out the specific purposes for which funds in this bill cannot be used.

Therefore the Chair overrules the point of order.

Mr. DURHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not understand the full import of the amendment offered by the gentleman from Florida. I do not believe any Member of the House can say how far-reaching such an amendment as the pending one goes. We are considering the mutual security appropriation measure here to cooperate with our allies on the defense and security of the free people of the world, and to present an amendment such as this in the measure under consideration would, in my opinion, create misunderstanding among our allies. As far as I can determine, there are no funds in this measure which would affect the agreements. As the gentleman well knows, the President and the State Department initiate agreements with foreign countries, which are then submitted to the Senate for ratification. The House does not generally participate in any manner.

Under statutory authority, the Senate agreed to let the House participate in agreements on atomic energy exchange of information and other related matters. In that way, and in that way only, does the House have the right to participate, because the Senate has the right and authority to pass on all treaties, as the gentleman well knows, under the constitutional authority.

To get into something like this, and to get into all the agreements, including military matters—which I do not think can be fully discussed under world conditions as they exist today, is to get into an area which is not germane to the measure under discussion. This area, as most of the House Members know, is not a matter which can be fully discussed in open session.

Frankly, I do not know the reason behind the introduction of this amendment, although I am sure the gentleman from Florida feels that he has sound reason for offering the amendment.

What did we do a few weeks ago? There were some seven agreements brought before the Joint Committee on Atomic Energy. The committee considered these agreements that were sent up here by the President and also by the State Department. It was participation, of course, in the overall national defense of those countries who have acquiesced and who believed in freedom as we do by sponsoring NATO. These agreements are not treated all in the same manner, because we do not go as far with some, for security reasons, as we go with others.

Under the statutory provision any Member of the House can introduce a resolution on these agreements, which was recently done by several Members. They were referred to the Joint Committee and reported to the House adversely. Under the regular procedure the sponsors of the resolutions could follow the procedure and go to the Rules Commit-

tee and secure a rule, if that Committee wanted to act favorably.

The regular procedure was followed, and rules were not granted. The recourse available then was to put a petition on the desk, have it signed by the requisite majority, and bring it up in the same way as other pieces of legislation may be brought up. This has not been done, and, as a matter of fact, all agreements are now effective with the exception of the agreement with Greece.

I want to emphasize that this body would not have had a chance to introduce or discuss a resolution, and this body would not have participated in any manner in the consideration of the agreements, if we had not put that provision in the law. This procedure gives the House the authority to participate in these agreements in a manner which I think is sound.

I hope this amendment will be voted down. I can assure this body that the Joint Committee carefully analyzed all of these agreements on the basis of what is in the best interest and the security of the free world.

Mr. WOLF. Mr. Chairman, I rise in support of the pending amendment.

(Mr. WOLF asked and was given permission to revise and extend his remarks).

Mr. WOLF. Mr. Chairman, I rise in support of the amendment by Mr. BENNETT of Florida.

Mr. Chairman, I realize it is very late this evening, but we are not talking about a simple parliamentary maneuver here. We are talking about the survival of the human race right now, we are talking about expanding the nuclear weapons club. We are not talking about the question of whether this belongs in the bill or not, because this is the first time we have had a chance to debate this matter on the floor of the House.

Mr. Chairman, this is a tremendously vital amendment. It is not a matter simply to be passed by as something that was just introduced late one afternoon. We are all anxious to eat our supper. Not just tonight but for years to come. Yes, and I want a world for my children and yours. We have to face it as individuals. We cannot sit idly by and watch the nuclear secrets given to the world casually. We have men serving sentences in jail for giving away these secrets. Another has been put to death for giving away these secrets; one has been ostracized from society for giving away these secrets. Now, by a backdoor approach we are going to give it to the world. We are going to allow a state like Germany, whether we like it or not, that is governed by a despot, no matter how fine a man he may be, it has not a true parliamentary government. Germany has been a military power in the past. A country whose past leaders have led to the death by violence of more people than any country since the beginning of time. We are going to give it to France, a country that is ruled by De Gaulle, a fine, generous, benevolent despot. What happens, Mr. Chairman, if De Gaulle is unfortunately taken by death. France has a weak government without De Gaulle. Remember



that the second largest party in France today is a Communist Party. We are going to give it to Turkey, to a military dictatorship there. We are going to give it to the low countries in Europe.

Mr. Chairman, we are not talking about a simple parliamentary maneuver here. We are talking about the question of who on this earth is going to have the secret, who on earth is going to have the power of life-and-death decision for civilization. That is the question we face.

This is the only chance that you as Members of Congress will have to vote on this matter. This is a matter that you have to dwell upon, believe me, as individuals not as members of a party or members of a geographic segment.

If you think it is only Congressman WOLF of Iowa telling you this, Mr. BENNETT of Florida and a few others, you are wrong.

Here is a statement by William C. Davidon, on behalf of the Federation of American Scientists before the Pastore subcommittee of the Joint Committee on Atomic Energy against pending nuclear arms agreements. Dr. Davidon is an associate physicist at the Argonne National Laboratory and is chairman of the Chicago chapter of the federation.

The question was this: What effect will the proposed agreements have on the more widespread reliance upon nuclear weapons by additional countries?

You are talking about civilization here. This is not a parliamentary maneuver late in the afternoon when we are hungry. Now listen to the answer.

Listen to the answer, please. I realize you people want to eat supper. I do, too, and I want to eat it 10 and 20 years from now. I want my children and my grandchildren to have the same opportunity. Listen to this:

From considerations of manpower and cost, countries which we aid with nuclear weapons systems will be under considerable pressure to reduce their emphasis on conventional forces. Then their motivation for acquiring nuclear warheads under their own control will be intensified. Their motivation for independent manufacture is further increased by the provisions of the amendment to the Atomic Energy Act of July 3, 1958, which permits transfer of nuclear weapons and components to countries which have made substantial progress in nuclear weapons development. In addition, other countries, whether neutral, Communist, or capitalist, will in turn be subject to pressure to acquire nuclear weapons.

Yesterday a general, who unfortunately did not have the courage to let me use his name today but nevertheless a general in our Army said that we will probably be the ones on the West launching the first nuclear bomb because the Russians have a very large military force in Europe today. They do not have to use nuclear weapons to engulf Western Europe. They can march in and take it over any time they want to. The only thing we have to throw back is a nuclear bomb. We will be in the unusual position of having to trigger off a bomb in defense of the free world. This is something we should be thinking of now. This is not a parliamentary maneuver late in the afternoon

to kill time, this is the future of mankind. Whether we live or die, it is as simple as that.

Mr. Chairman, to me it is shocking that this Congress has not paid more attention to the ultimate effect that the transfer of nuclear materials and nuclear information will have on the world situation.

It is distressing that we are not considering the advice of almost all of our great independent scientists who are utterly opposed to these transfer agreements. These scientists have told us and have written extensively on the fact that the transfer of these weapons will result in greater chance of nuclear accident. Obviously, the more nations that have these weapons and are helped to join the nuclear club the more is increased the chances of war through accident.

Our keenest minds in international relations have pointed out to us that by this transfer we are promoting atomic blackmail and nuclear recklessness.

Furthermore, as Richard Lowenthal, the distinguished British foreign affairs analyst has pointed out, the transfer of this information and material does not help NATO, but, on the contrary, starts NATO on the short road to complete military dismantlement.

Is there any doubt that when each nation achieves nuclear independence that that nation will follow a foreign policy which will not be in concert with other NATO nations.

One has only to examine the French position in all of this to see that any enlargement of the nuclear club will reverse the concept of a democratic concert of nations in Europe and increase the chances for a Europe comprised of many separate nations armed to the teeth, capable of fighting only one kind of war—a nuclear war.

It is a mystery to me, as it apparently is to many of my colleagues, that we are going to arm countries such as France, where the Communist Party is the second strongest party, and where that nation's stability is dependent on the personal authoritarian-like power of General de Gaulle, and such as Germany, where neither the Social Democratic Party nor a great number of German citizens, fearful of nascent militarism and nuclear war, do not want a nuclear rearming of Germany.

It is inconceivable to me that we should be sharing nuclear arms with a nation so weak in its spirit of democracy and popular control, as evidenced by Chancellor Adenauer's flouting of parliamentary rules a few weeks ago, but strong in its militaristic tradition.

If various predictions are correct, and NATO does lose its status or real power because of this nuclear transfer, then West Germany will, by default, become the most powerful nation in Western Europe. This is not only a frightening thought to the Communists, but it is a frightening thought to millions of non-Communists in Poland, Czechoslovakia, and Hungary.

Although the deadline on which the agreements with all of these countries, with the exception of Greece, has passed,

I feel it is the responsibility of this Congress to refuse to allow mutual security funds to be used to implement these agreements.

Let me state, in conclusion, that I am opposed to the implementation of these agreements for the following reasons:

First. They endanger world peace because the greater the number of countries in possession of these weapons, the less possibility exists for negotiating any international agreements to bring this extremely dangerous and terrible force under some sort of international control.

Second. Considering the destructiveness of these weapons, in addition to the fact that it is now possible to fire them from great distances by missiles, we gain the realization that in the event they are used by a country it will not always be possible to tell from which quarter a missile of this sort has come.

Third. There is greater chance of nuclear accident, and nuclear recklessness where the precondition for political responsibility does not exist.

Fourth. By this transfer we are almost completely foreclosing any possibility to having a denuclearized zone in Europe or any kind of disengagement.

Fifth. By this transfer we entrench further the Soviet Union's domination of the Eastern European nations since the Soviets will not let these nations have nuclear weapons without controls because of the danger that these nations might use them to gain their freedom from Soviet control. Consequently, Soviet military and technical forces in each satellite will increase, the satellite governments will have even less independence than they do now, and the people of these nations will suffer an even greater loss of freedom.

Mr. Chairman, let us not take the easy way or the thoughtless way or the casual way. When we gamble with the results of what these transfer agreements will bring we are gambling for the survival of the human race. I urge the support of the Bennett amendment.

Mr. PASSMAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. MEYER. I object.

Mr. CLEM MILLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD on the pending amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CUNNINGHAM. Mr. Chairman, I support the amendment by the gentleman from Florida. When the legislation authorizing these agreements to share our nuclear secrets with other nations was approved by the last Congress, I was one of the 12 Members of the House who voted no. The gentleman from Florida was also one of the 12.

I voted against the legislation permitting these agreements because I believe



our greatest strength lies in our nuclear know-how. I think it is our greatest weapon for peace. I believe further that other nations who today are friendly may be our enemies tomorrow.

Under these proposed agreements we surely take the risk of handing over our nuclear secrets to a potential enemy with all of the tragic consequences which would result.

Mr. Chairman, as one of the 12 who opposed this authorizing legislation last year, I might say that I am glad to see our judgment vindicated as evidenced by the growing number of members who have now changed their position so far as this legislation is concerned.

Mrs. GREEN of Oregon. Mr. Chairman, the House has the opportunity today to discuss an amendment which I sincerely feel is directed at the most fateful decision our country has made this year. The agreements—against the implementation of which this amendment is directed—are not limited, in their importance, to their own terms. If they were, I might well have taken the judgment of the distinguished and able members of the Joint Committee on Atomic Energy and either supported them or, at best, limited my opposition to a passive one. The significance of this share-the-doom program transcends the specific materials and data being transferred. We must decide today whether or not the ability to initiate a thermonuclear war is going to be spread far and wide among the nations of the world.

There is no half-way house along the road to universal thermonuclear capability, Mr. Chairman. We are told that some of our NATO allies want these symbols of nuclear capability for their own morale. Yet, we are also told that what we are transferring is harmless, and that our friends and allies will be satisfied with nonnuclear parts of atomic weapons systems, with information on defense against atomic attack, with data on how to use these weapons but not the weapons themselves. Now, Mr. Chairman, I ask the forbearance of the House when I say that these arguments, taken together, make no sense at all. If our NATO allies want nuclear capability, they want nuclear capability. They are not going to be satisfied with parts of weapons. If my son wants an automobile—and he does—he wants one with a motor and a gasoline tank. He would not be satisfied with a steering wheel to mount on the wall and a book about how to drive safely. To give, let us say, the West German Government information on the atomic bomb and a nice, carefully emptied bomb case, is hardly going to boost the morale of the West German people. Either these transfers will be followed by the transfer of other materials until we have equipped our allies with the full "fixin's" for a hydrogen barbecue, or they are not going to mean anything at all.

Very well, then, Mr. Chairman, what, you may ask, is wrong with equipping our friends and allies in Western Europe with the ability to engage in nuclear warfare? Would this not add to our own security position? Would it not mean that the Western alliance would

be stronger and safer if it were not necessary to depend upon American and British atomic capability alone? And—and this is an argument which is perhaps seldom voiced, but which nevertheless may well be in the minds of many Members—would the presence of atomic capability in Western Europe not, just possibly, draw away from our own homes the full weight of Soviet H-bombs in the event of a war?

First, Mr. Chairman, I think it is unrealistic to think of additional members of the Nuclear Power Club as being inherently and inevitably additional increments to our own security structure. The recent hearings by the Joint Committee on Atomic Energy on the consequences of an atomic war highlighted for all to see the complete adequacy of the atomic capability now possessed by the atomic powers for mass destruction of a kind the world has never known—of a kind, Mr. Chairman, which the world will never know unless the leaders of some nuclear power become literally insane enough to initiate an atomic war. The comforting idea, drawn by some observers at those hearings, that mankind can survive such a war, is somewhat vitiated by the fact that the data which that hearing assumed was the existence of a small-scale, limited atomic war. If anyone is mad enough to begin an atomic war, then he will be mad enough to begin one in earnest. The relatively limited effects which the Joint Committee studied in its recent hearing would be magnified many times should an all-out war begin. How many times will it be necessary to devastate the Northern Hemisphere before we have proven whatever insane point it is that a thermonuclear war will prove? How much more than too much atomic capability does the world need?

I have seen no evidence that the proliferation of nations having atomic capability will in fact add to our own security. Nor, for that matter, have I seen any evidence that atomic capability itself will in fact add to the security of the nations to whom we plan to give these devil's toys. This is a case, Mr. Chairman, which has yet to be made.

I do not suppose any Member of this House is opposed to, or even passive about, the goal of preserving peace. We are told, with some persuasiveness, that we are not building stockpiles of H-bombs and A-bombs in the hope of using them, but rather because we feel they are so horrible and capable of such immense destruction against any conceivable enemy that they will not have to be used. In a phrase which has stuck in my memory, "the deterrent capability of this Nation will have failed in its mission if it ever has to be used." Under this philosophy, it is entirely possible to defend the building up of further stock of these weapons for our own use. But logic fails to explain the utility of equipping new countries with the same capability, if the safeguarding of peace is our goal. I do not point to any of the countries with whom these agreements have been made as potential aggressors. But I do think it is criminal folly to assume that any country in Western Europe is so finally

and irrevocably committed to the same security objectives; to the same policies as our own Government will follow, as to justify our assumption that these countries will never utilize their new atomic capability in ways which our own Government would find undesirable. I believe we are gambling—at odds which no amount of logic, no amount of historical precedent, no amount of anticipated advantage can justify.

If this program involved the sharing of just conventional weapons, perhaps it could be shrugged off as one of the chances which would be necessary if we were to build up the strength of the free world—a calculated risk. But these weapons are not conventional weapons. These weapons are so devastating, so deadly, that they reduce to nonsense all the calculations of the students of comparative military strength. At the beginning of the Second World War, the three members of the Axis alliance were better prepared militarily and still held the advantage in 1941, when the United States was attacked. But it was obvious that time was on the side of the Allies in that war; that the vast superiority in raw materials, in productive capacity, in population of the countries fighting against Japan and Germany and Italy worked inevitably against the aggressors.

But the atomic bomb, Mr. Chairman, is the great equalizer. Given enough atomic and thermonuclear weapons, and delivery systems, Afghanistan could pulverize the United States. Ghana could set the Soviet Union back on her heels. Greece could touch off the war that would annihilate the civilization to which Greece gave birth. Yes, certainly there would be retaliation. The country beginning the war would be annihilated too. This might be cold comfort to the dying citizens of the country attacked. It would be less than cold comfort to the dead and dying in countries which had nothing to do with the original dispute.

We are asked today, Mr. Chairman to finance the transfer of atomic know-how to our bitter enemy of 14 years ago. We are not asked to give it to our other enemy of that war, Japan. I am inclined to think that of all the nations in the world, that country which alone has felt the searing heat of a nuclear explosion would be the least likely to use one. But, Mr. Chairman, what would be the reaction in this House if it were suggested that the next nation to receive one of these weapons would be Japan?

Are we to give atomic weapons, Mr. Chairman, to Nasser's Egypt? Are we to encourage the Union of South Africa to become a member of the Nuclear Club? Are we to give atomic weapons to our good friends in Latin America? Where, Mr. Chairman, are we to draw the line? I submit, with all due respect to the distinguished and able members of the Joint Committee, and with all due respect to the persons in the executive branch who have urged the adoption of these agreements, that there is no logical stopping place. Either we refuse to finance these agreements now, or we are committed irrevocably to the inde-



fensible position that the capability to initiate a thermonuclear war ought to be universal.

Let me, Mr. Chairman, raise one more point which this policy of transferring nuclear know-how seems inevitably to raise. In the past 14 years the atomic and hydrogen bombs have been the focus of a system of security checks which far transcends anything this Nation ever knew before. We have become super-cautious lest any American citizen without a top-secret clearance learn anything which a sizable number of security agencies have not agreed he should know. In the name of secrecy and security, we have fired people from Government positions—and from positions in private industry; we have imposed a network of loyalty oaths upon people in and out of Government service, in and out of sensitive positions, in and out of uniform. Why? We have done this, Mr. Chairman, for fear some individual might pass such information unintentionally to a strategically placed Communist.

And now, Mr. Chairman, we are going to give secret data to other countries, even to countries where Communists hold positions in the Parliaments. Is it planned, Mr. Chairman, to request that these other nations require of their generals and scientists and cabinet ministers and legislators oaths that they will be loyal not only to their own countries but to the NATO alliance as well? This may seem facetious, Mr. Chairman, but I mention it to highlight the absurdity of giving to nations over whose internal politics we have—and should have—no control secrets which our own citizens can be jailed for discussing with one another.

And finally, Mr. Chairman, there is mounting evidence that the people of Western Europe do not want their respective governments to join the nuclear arms race. There is growing sentiment, even in the United Kingdom, which is a nuclear power in its own right, for the relinquishment of nuclear arms and the restriction of these weapons to the United States and the U.S.S.R. I cannot believe that the average German or Frenchman, or Turk or Greek or Hollander, is especially anxious to add his country to the list of high-priority strategic targets in the files of the Russian high command.

These agreements, Mr. Chairman, went into effect without the opportunity for full-scale debate. If today we appropriate the funds, then we commit our Nation to a policy from which there is no turning back. I cannot endorse the principle that it will help peace and international security for more and more countries to be equipped with truly destructive weapons. The present nuclear standoff has been likened many times to the spectacle of two scorpions in a bottle. These agreements will simply increase the number of scorpions and make exit from that bottle all the more difficult.

Mr. Chairman, it is time for realism. It is time to look back gratefully upon the fact that the God who governs the destiny of mankind has, for 14 long years, spared his children the horror of a hydrogen war. It is time to realize that

the road to peace does not lie in the direction of increasing the number of nations with atomic capability.

Almost at the beginning of this 14-year period of grace, the distinguished elder statesman, Bernard Baruch, spoke before the United Nations, in presenting the American plan for nuclear disarmament. He opened his statement with the words, "This is a race between the quick and the dead." We are still in that race.

I do not often view with alarm or point with apprehension, Mr. Chairman. I have great faith in the resilience and innate good sense of humanity. But the appropriation of money to finance these agreements will put a grave strain on that resilience and will seriously hamper the working of that good sense. More strongly than my words can tell, I urge my colleagues to vote for the amendment of the distinguished gentleman from Florida.

Mr. CLEM MILLER. Mr. Chairman, I know that there are many of us who would like some time to study this problem. However, this nuclear agreement question has come up so suddenly that if you want to speak you have to speak now. I believe it is important that those of us who do have strong feelings about it, as I do, should speak promptly. I realize also that we are looking at a solid wall of objection from the committees involved and from the people downtown on this crucial issue.

I am not any expert. I do not profess to be an expert. I have searched my conscience deeply to decide whether or not there is a fundamental question to decide here, which I, as a Member of the Congress, have an obligation to speak on, to speak to this Congress about. I believe there is such a principle and such a valid judgment which we can and must make, as Congressmen, as non-experts. We have heard here this afternoon the violent controversy over whether or not one may be an expert, or whether the expert's opinion is valid. So, in this instance I believe that there is a valid, basic principle upon which we, as Congressmen, must decide.

What is this principle? The proponents say that these agreements are in some way a deterrent. They will admit that it is on a temporary basis. No member of the Atomic Energy Committee will say that it accomplishes this for more than a temporary period. It will give up NATO for a few years.

On the other side, on the long-range side, we have great disadvantages which outweigh the advantages. It increases the nuclear stain which is spreading over the world; it brings nearer the day when a nuclear holocaust must descend upon this world, by accident or by design; and finally, it lessens the chances for peace. These are permanent, long-range disadvantages to extend these international agreements. So, I must conclude that the long-range disadvantages outweigh the temporary, short-range advantages of concluding these international agreements. At some point we must decide that we are going to call a halt, that we are going to turn back along a new road. The way we are going now leads almost certainly to a nuclear holocaust.

This choice is a most difficult decision. Everyone in this Chamber, I know, has his own private agony, and we respect him, whether we agree with him or not. Now, on this question of nuclear agreement, and, in fact, the whole problem of atomic energy, it is not going to go down. It is not going to be disposed of by sarcasm, by laughter behind the hands, or by depreciatory remarks.

I can tell that by looking into the eyes of my colleagues with whom I have talked about this problem. I have seen the fear and despair in their eyes as they look into the nuclear abyss, that they are upset by this problem.

The question will grow and grow until we solve it. We must decide whether or not we will approve these agreements and gain a temporary short-range advantage by gluing up NATO, or whether we will look at the long-range aspects and the long-range benefits to be gained by not doing so. These disadvantages steadily build up. There is no better place to start on this problem than here and now. To call a halt to the spread of conflict. To narrow our problems instead of widening them.

I hope that the amendment is adopted.

Mr. PASSMAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. MEYER. Mr. Chairman, I object.

Mr. PASSMAN. Mr. Chairman, I move that all debate on this amendment close in 1 minute.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. PASSMAN].

Mr. PASSMAN. Mr. Chairman, I yield the 1 minute to the distinguished gentleman from Vermont [Mr. MEYER].

Mr. MEYER. Mr. Chairman, I rose to ask for a division on the vote.

The CHAIRMAN. The gentleman's request comes too late. The gentleman is recognized.

Mr. MEYER. Mr. Chairman, I would like to answer the questions raised by the distinguished gentleman from North Carolina and say that I did try to take this matter to the Committee on Rules. I say to you that the Committee on Rules was very nice to me, but we could not even have an official hearing because no member of the Joint Committee on Atomic Energy would ask for it. That is what I was told.

I would also say that the question here—and, of course, I rise in support of the amendment—is as important as or even more so than the amendment itself. It is whether we are going to be able to discuss these issues on the floor or whether we are going to be blocked by parliamentary procedure which attempts to take away the rights of this Congress to discuss those issues which are of really vital importance to the American people and to the future of all the generations yet to come.

I, for one, am not going to stand by quietly when we cannot bring such an important issue here to the floor to discuss. And furthermore, this attempt now to shut off debate is just another



method of avoiding discussion of this issue which so many want to sweep under the rug.

Mr. KOWALSKI. Mr. Chairman, I think it is most important that we examine what will happen in Poland, Czechoslovakia, and the other East European satellites when the United States turns over to West Germany the capability to employ nuclear weapons.

I have been in Poland since it has become communistic. I think I know the Polish people. A major sector of these people are emotionally tied and irrevocably committed as individuals to democracy and the United States. Some are dedicated Communists. But whether Communists or non-Communists, they all live in the dreaded, black shadow of a resurgent Germany. Germany destroyed their industries. Germany tried to destroy their culture, burned their libraries, leveled homes, dispersed families, experimented with the dead and the living. These horrible experiences have been etched into the minds and souls of the Poles and the other Eastern European peoples.

Still, these peoples turn their eyes hopefully to the West. They look for peace from the great democracy of America. But what do they see in the West. They see the frightening spectre of this great democracy placing into the as yet unreconstructed hands of the Germans the terrible power of nuclear destruction. Oh, there are technical safeguards. But these safeguards give little assurance to those who have suffered at the hands of the Germans.

By giving West Germany these nuclear secrets we inescapably force the Poles, and Czechs, and in fact all Eastern Europeans to the Soviet Union for their own protection. We gain so little and lose so much. And most significantly these agreements play into the hands of Eastern European politicians who favor rigid alliance with the Kremlin.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT].

The question was taken; and on a division (demanded by Mr. WOLF) there were—ayes 61, noes 137.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. PASSMAN. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to points of order and amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. BOW. Mr. Chairman, reserving the right to object, do I understand that those of us who have points of order against language in the bill will be able to raise the points of order?

Mr. PASSMAN. The remainder of the bill.

The CHAIRMAN. If the agreement is entered into, points of order would first be considered by the Chair to any part of the bill involved in this agreement.

Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any points of order to any parts of the bill?

Mr. BOW. Mr. Chairman, I have a point of order to the language in the bill on page 11, beginning at line 9 and running through line 20.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BOW. Mr. Chairman, I have two reasons. One is that that part of the language in line 17, providing that the funds shall remain available until expended without regard to section 355, and so forth; and the remaining language is in violation of the rules; and further, that the appropriation is not authorized.

Mr. PASSMAN. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The gentleman from Louisiana [Mr. PASSMAN] concedes the point of order and the point of order is sustained.

Mr. MORGAN. Mr. Chairman, I make a point of order against section 113, on page 8, extending from line 7 down to and including line 17.

Mr. Chairman, I make the point of order that section 113 incorporates a legislative provision in an appropriation bill. It does not retrench expenditure, but actually constitutes a new penal provision which is so broad that it could penalize innocent persons and even make it impossible for a concern to hire a janitor who had been employed by the ICA.

Mr. Chairman, I am fully in sympathy with the purpose of the Appropriations Committee in writing this section, but section 512 of the existing Mutual Security Act already contains stringent provisions against fraudulent or other improper practices by ICA employees. The proper approach to this problem is further study by the legislative committees concerned and any modification that may be found desirable in existing law.

Mr. Chairman, I believe that in spite of the beginning phrase of this section it is clearly legislation in an appropriation bill and properly subject to a point of order, because it actually legislates penal provisions which may go far beyond the intent of the Appropriations Committee itself. I recommend a study of the existing penal provisions, section 512, and I wish to renew my point of order.

Mr. SANTANGELO. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be glad to hear the gentleman from New York.

Mr. SANTANGELO. Mr. Chairman, I rise in opposition to the point of order. The language in the bill which is the subject of the point of order is an amendment which I offered in the full committee and which the full committee accepted.

Mr. Chairman, on June 3, I offered a similar amendment to the defense appropriation bill. The language of that amendment, which appears on page 8784 of the CONGRESSIONAL RECORD, is almost exactly the same as the language of the amendment before you now.

The amendment submitted on the defense bill attempted to prevent organizations which do business with the Pentagon from creating the possibility of

undue influence and favoritism by employing retired military officers. The amendment before you today attempts to prevent organizations who get large contracts under the foreign aid program from influencing the awarding of such contracts by attempting to employ ICA employees or by putting them on their payrolls within 2 years of their separation from that agency.

A point of order was also made against the limitation offered previously. At that time the Chair stated as follows, and I quote from page 8785 of the CONGRESSIONAL RECORD:

It is obvious that the intent of this amendment is to impose a limitation on the expenditure of the funds here appropriated, and while the point might be made that imposing limitations will impose additional burdens, it is nevertheless the opinion of the Chair clearly a limitation on expenditures, and therefore the Chair overrules the point of order.

Mr. Chairman, I submit that the ruling just quoted is equally applicable here. It is the intent of this amendment to impose a limitation on the expenditure of funds here appropriated. The wording of the two amendments is almost identical, except for the agencies and people involved.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. PASSMAN] desire to be heard on the point of order?

Mr. PASSMAN. No, Mr. Chairman; I do not desire to be heard on the point of order.

Mr. FULTON. Mr. Chairman, may I be heard on the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Pennsylvania.

Mr. FULTON. Mr. Chairman, the point should be made on this particular amendment that it does not refer to any time. So that the acts complained of, and which come under the purview of this amendment, can already have happened. That would be legislating on the effect of acts that have happened prior to this date. This is legislation in an appropriation bill. If the amendment had read, "after the passage of this act,"—the amendment would then apply to future acts only—this amendment is too broad because it refers to previous acts which have occurred as well as acts which can occur after the passage of this act.

The CHAIRMAN (Mr. MILLS). The Chair is ready to rule. The gentleman from Pennsylvania [Mr. MORGAN] makes a point of order to the language in the bill on page 8, line 7 through line 17, on the ground that the language is legislation in an appropriation bill. The Chair has had an opportunity to examine the language. The Chair is of the opinion that the language does constitute a valid limitation on an appropriation bill. The language does refer to the funds in this particular appropriation. In addition, the Chair is appreciative of the precedent called to the attention of the Chair by the gentleman from New York.

The Chair overrules the point of order.

Mr. MASON. Mr. Chairman, I offer a preferential motion which is at the Clerk's desk.



The CHAIRMAN. The Chair would first like to determine whether there are any other points of order to be made before entertaining a preferential motion.

Mr. PORTER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. PORTER. Mr. Chairman, I make a point of order against section 105 on page 6 of the bill on the ground that it is legislation in an appropriation bill.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. PASSMAN] desire to be heard on the point of order? The gentleman from Oregon has made a point of order to the language in the bill on page 6, beginning on line 12 through line 3 on page 7, or all of section 105. The gentleman from Oregon makes a point of order on the ground that this particular section constitutes legislation on an appropriation bill.

The Chair will be glad to hear the gentleman from Louisiana on the point of order.

Mr. PASSMAN. I am of opinion that the gentleman from Louisiana would have to concede that it is legislation on an appropriation bill.

Mr. FULTON. I do not concede the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Pennsylvania.

Mr. FULTON. This is not legislation on an appropriation bill because it is an expression of the sense of Congress:

The Congress hereby reiterates its opposition to the seating in the United Nations of the Communist China regime as the representative of China.

It is an expression of the sense of Congress and is not legislation as far as an appropriation bill is concerned.

The CHAIRMAN (Mr. MILLS). The gentleman from Oregon makes a point of order against section 105. The gentleman from Louisiana concedes the point of order. The gentleman from Pennsylvania suggests that this language is not legislation on an appropriation bill and points out that it represents an expression of the sense of Congress. For that very reason, if for no other, the language would be legislation on an appropriation bill.

The Chair must sustain the point of order made by the gentleman from Oregon.

Are there points of order to any other language in the bill.

Does the gentleman from Illinois offer a preferential motion?

Mr. MASON. I do.

The Clerk read as follows:

Mr. MASON moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken from the bill.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes in support of his motion.

Mr. MASON. Mr. Chairman, I do not intend to take the 5 minutes at this time of day. In the first place, Mr. Chairman, I think it is an imposition upon those of us who get here early in

the morning to do the work and then are kept all hours of the day when there is practically nothing of importance for the rest of the week.

In addition to that, Mr. Chairman, we are considering this mutual security bill which provides for aid to foreign countries in the shape of some of its going to build hard roads in foreign countries, taking money out of the General Treasury of the United States. Our committee has been struggling for 2 days to find some money to build hard roads in this country, but we are told that the administration and all those in authority object to taking any money out of our General Treasury for our own roads.

For that reason I am offering this motion to strike out the enacting clause.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the preferential motion. I am afraid that should the enacting clause be stricken we might not be able to get a foreign aid bill this session.

I take just 1 minute, Mr. Chairman, to say that if at times I have appeared to be unkind in the matter of Members wanting additional time, I want them to know I have not purposely attempted to cut off debate. Sitting here charged with the responsibility of managing the bill and listening to the amendments and the many arguments and points of order that arise, one is very much in suspense and tense. So it has not been my purpose to cut off anybody's time, and in the one instance where I did it was certainly not done in order to keep the Member from speaking.

I yield now to the distinguished gentleman from Vermont if he has something further to say.

Mr. MEYER. I thank the gentleman for his courtesy but it is now too late.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Illinois.

The motion was rejected.

Mr. HARDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARDY: On page 8, after line 17, insert the following:

"Sec. 114. None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, during any period when more than twenty days have elapsed between the request for, and the furnishing of, any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration, to the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriation for or expenditures of the International Cooperation Administration and the Department of State."

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. HARDY. I yield to my colleague from Virginia.

Mr. GARY. As I understand it, this is merely an attempt to assist the Comptroller General and the Congress in getting proper documents and papers from the ICA?

Mr. HARDY. That is exactly the purpose of it.

Mr. FORD. Mr. Chairman, I reserve a point of order. I was on my feet seeking recognition to make a point of order.

The CHAIRMAN. Had the gentleman raised his voice?

Mr. FORD. I certainly did.

The CHAIRMAN. The gentleman from Michigan says he was on his feet trying to obtain recognition to make a point of order against the amendment.

There has been confusion at times and it is possible that the Chair did not hear the gentleman. The Chair feels under the circumstances, the gentleman being on his feet seeking recognition trying to make a point of order, that the Chair will hear the gentleman. Ordinarily, the point of order would come too late, debate having occurred on the amendment, but because the gentleman was seeking the attention of the Chair, the Chair feels that he must recognize the gentleman to make the point of order.

Mr. FORD. Mr. Chairman, on reading the proposed amendment offered by the gentleman from Virginia, it is my belief this amendment does impose on the executive branch of the Government additional burdens that are not required by any existing legislation. For that reason it is legislation on an appropriation bill.

Mr. HARDY. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. HARDY. Mr. Chairman, the language of this amendment does not impose any burden on the executive branch of the Government that is not already contained in existing legislation. The amendment is merely a limitation and it presupposes there may be action under existing law but does not require action by anybody. The language in this amendment is taken directly from the language in the Mutual Security Act, which authorized these appropriations.

Mr. HAYS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be glad to hear the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I would like to point out further in support of the gentleman's argument, he says this language is in the Mutual Security Act. It is part of existing law and the gentleman's amendment is merely a limitation on expenditures until existing law is complied with.

The CHAIRMAN. Would the gentleman from Ohio advise the Chair just where this language appears in the Mutual Security Act?

Mr. HAYS. I cannot cite the exact section.

The CHAIRMAN (Mr. MILLS). The Chair is prepared to rule.

The gentleman from Virginia offers an amendment to the bill on page 8 after line 17, to which the gentleman from Michigan [Mr. FORD] makes a point of order on the ground that the language is legislation on an appropriation bill.

The Chair has had an opportunity to examine the amendment made in the



act of 1959 to the Mutual Security Act amending section 534 of that act.

The Chair is of the opinion that there is legislative authorization for the furnishing of these documents and for that which is required within this amendment offered by the gentleman from Virginia.

The Chair, therefore, overrules the point of order.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. HARDY. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Is this not the amendment that you discussed with the chairman of the committee, the former chairman of the committee, and many other Members of the House? They all felt it would serve a good purpose and there was no objection to it. On that basis I agreed not to object to the amendment if it was not subject to a point of order. I think it is good legislation. Many members of the committee have had an opportunity to discuss it, and I did not know there would be objection to it. I hope the amendment will be adopted.

Mr. HARDY. I am grateful to the gentleman.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. HARDY. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Was it not the intention of the gentleman from Virginia at all times merely to implement existing legislation? There was no attempt to legislate upon it.

Mr. HARDY. Not at all. It was purely for the purpose of implementing the legislation.

Mr. Chairman, several times during the debate this afternoon we have heard of the refusal of officials in the Department of State and the International Cooperation Administration to provide committees of the Congress, including the Appropriations Committee handling the bill here this afternoon, with the information they need to make intelligent judgments on foreign aid programs and the public funds to support them.

Mr. Chairman, my responsibility, as chairman of the Subcommittee on Foreign Operations and Monetary Affairs of the House Committee on Government Operations, has been to examine, in a post-audit way, the efficiency and economy of the expenditures under foreign aid authorizations and appropriations. We have experienced the same recalcitrance on the part of ICA officials as has been complained of by others.

Mr. Chairman, my amendment is designed to facilitate the studies and inquiries not only of committees of the Congress concerned with this program, but also of the General Accounting Office. This is the agency of the Congress charged with the responsibility of auditing Government expenditures generally and reporting to us.

Mr. Chairman, during the consideration of the mutual security authorization bill for 1959, I offered an amendment designed to break down this barrier to access by the Congress to full information about foreign aid operations. The

amendment was adopted, unanimously I believe, in both the House and the Senate versions of the mutual security bill and thus was not in dispute in the conference. The language of the amendment reads as follows:

All documents, papers, communications, audits, reviews, findings, recommendations, reports, and other material which relate to the operation or activities of the International Cooperation Administration shall be furnished to the General Accounting Office and to any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriation for, or expenditures of, such Administration, upon request of the General Accounting Office or such committee or subcommittee as the case may be.

Mr. Chairman, I must confess that I was somewhat dismayed when the President, upon signing the mutual security bill, prompted by advisers I know not whom, issued a three-paragraph statement aimed at nullifying the amendment solemnly adopted by the Congress. Let me read you what the White House statement says:

I have today signed H.R. 7500, a bill amending the Mutual Security Act of 1954. Three amendments made by the bill concern disclosure by the executive branch of information, documents and materials relating to the mutual security program or certain of its aspects.

I have signed this bill on the expressed premise that the three amendments relating to disclosure are not intended to alter and cannot alter the recognized constitutional duty and power of the Executive with respect to the disclosure of information, documents, and other material. Indeed, any other construction of these amendments would raise grave constitutional questions under the historic separation-of-powers doctrine.

In this connection, I am constrained to emphasize once again that it is the established policy of the executive branch to provide the Congress and the public with the fullest possible information consistent with the public interest. This policy will continue to guide the executive branch in carrying out the mutual security program so that there may be a full understanding of the program and its vital importance to the national security.

Mr. Chairman, if the White House had not issued this statement, I would not have considered it necessary to offer the amendment now pending before the committee. I had thought that the clear and unequivocal expression of Congress would be observed by the agencies charged with the carrying out of foreign aid policies prescribed by the Congress. However, in the light of the White House statement, the Congress has no alternative but to call upon its power of the purse in order to compel respect for its constitutional prerogatives.

The Congress cannot function effectively as elected representatives of the people in determining national policy if it is to be denied access to full, complete, and accurate information about the conduct of the public business. If executive officials are permitted to assert a proprietary interest in public funds, to dispense them as they see fit, free from congressional scrutiny, we have passed from the system of government through elected representatives into a bureaucratic determination of the course of our

national development and progress. Mr. Chairman, I believe my amendment will provide an effective curb on bureaucratic arrogance. I believe it will enable the Congress to obtain the information which is so necessary to intelligent discussion and decision on the course of national policy.

Mr. MEADER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Virginia [Mr. HARDY].

It has been my privilege to serve with the gentleman from Virginia on the Subcommittee on Foreign Operations and Monetary Affairs of the House Committee on Government Operations in the 84th, 85th, and 86th Congresses. It has been a pleasure to serve on the subcommittee because it has been conducted efficiently and in a nonpartisan manner. All of our actions and reports have been unanimous.

As the gentleman from Virginia [Mr. HARDY] pointed out, we have been confronted, in the discharge of our responsibility to investigate the economy and efficiency of foreign aid expenditures, by a lack of cooperation on the part of the officials administering the foreign aid program in providing the subcommittee with full and accurate information with respect to their official activities. Sometimes this obstruction has taken the form of procrastination, evasion, and doubletalk, but occasionally there have been instances of outright defiance of requests and a refusal to produce documents, not on the basis that they were classified information, but on the basis that they were internal administrative matters, and, under the alleged doctrine of "executive privilege" to withhold information from Congress, they have been denied to our subcommittee.

Mr. Chairman, my position on the issue of the right of Congress to full and complete information about the conduct of the public business is well known. I have engaged in an exchange of correspondence with the Attorney General of the United States with respect to his assertion of the doctrine of "executive privilege" and have sought on every occasion to uphold and advance the power of Congress to obtain the facts it needs to legislate wisely.

Mr. Chairman, at a session of our subcommittee, May 4, 1959, dealing primarily with the refusal of the International Cooperation Administration to submit to the subcommittee certain information the subcommittee had requested, this subject was discussed with representations of the Administration, including Mr. Leonard J. Saccio, then Acting Director of the International Cooperation Administration, and Mr. Loftus Becker, legal adviser to the Department of State. I incorporate that passage from the subcommittee's record at this point in my remarks:

Mr. MEADER. Mr. Becker, I know this matter can be discussed for a long time, but you assert that the withholding of these documents requested by the committee is based upon, I think you used the word, the principle of Executive privilege.

Mr. BECKER. Yes, sir.

Mr. MEADER. Would you mind citing what authority you have for the existence of any such principle?



Mr. BECKER. Yes. I think there is a rather full description of it in the statement by the Honorable William P. Rogers, Attorney General of the United States, on the inquiry by the legislative branch concerning the decision-making process in documents of the executive branch, which was delivered before a Subcommittee on Constitutional Rights of the Senate Judiciary Committee on March 6, 1958.

Mr. MEADER. Have you examined that statement of the Attorney General?

Mr. BECKER. Yes, I have.

Mr. MEADER. And you concur in it, do you?

Mr. BECKER. I do.

Mr. MEADER. Do you have any other authority than that expressed in the Attorney General's statement?

Mr. BECKER. I can't cite offhand all of the authority, but I have read a very substantial number of authorities, many of which are cited in the Attorney General's statement.

Mr. MEADER. In the Attorney General's statement a kind of parenthetical reference is made to *McGrain v. Daugherty*. I wonder if you are familiar with the long history of cases cited by the Supreme Court in which congressional investigatory power as upheld?

Mr. BECKER. Yes. I know there were a number of such cases.

Mr. MEADER. Do you have any doubt about the validity of those holdings?

Mr. BECKER. No.

Mr. MEADER. In other words, you do concede that the Congress does have the power of inquiry as an inherent part of its legislative power?

Mr. BECKER. Oh, yes, indeed, sir.

Mr. MEADER. Yet you relied on the Attorney General's reasoning which seems to have some nebulous relationship to the separation of powers doctrine, as overturning a long history of decided Supreme Court cases upholding the power of inquiry of Congress?

Mr. BECKER. Not at all, sir. In my view the Attorney General's statement is in complete conformity with all of the decisions of the Supreme Court. What he merely states is that there are limits upon the investigatory power of the Congress.

Mr. MEADER. And those limits are to be determined by the executive branch of the Government?

Mr. BECKER. Of necessity.

Mr. MEADER. Do you have any view—it did not seem to me to be very clearly expressed in the Attorney General's statement to the Constitutional Rights Subcommittee of the Senate Judiciary Committee—on just who in the executive branch of the Government possesses this rather sweeping power to deny the effectiveness of a congressional subpoena?

Mr. BECKER. Ultimately the President, sir.

Mr. MEADER. You say ultimately the President. But it seems to me that the Secretary of State in this instance has exercised the power of this so-called Executive privilege to deny and thwart a congressional subpoena.

Mr. BECKER. The Secretary acts, of course, under the direction of the President.

Mr. MEADER. How far down the line does that go, Mr. Becker? Do you have any opinion about that?

Mr. BECKER. Well, I think everybody who is appointed by the President certainly acts under his direction.

Mr. MEADER. So that any officer appointed by the President where confirmation by the Senate is required would possess the power to deny a request of a congressional committee?

Mr. BECKER. I have not considered that question, Mr. MEADER, but I am confident that the Secretary of States does.

Mr. MEADER. I don't know that it would be very valuable to pursue this.

I might refer, Mr. Chairman, if you will indulge me, to an exchange of correspondence I had with the Attorney General on this subject, which appears in the CONGRESSIONAL RECORD of March 10, 1958, the beginning of it, on page 3280, and continues on March 31, 1958, on page 5239. This is an exchange of correspondence between myself and the Attorney General of the United States.

I would like also for our record to contain a reference to the insertion in the RECORD on July 14, 1958, on page 12521, where I put in the CONGRESSIONAL RECORD a very scholarly article by Mr. Gerald Morgan, who at that time was the legal adviser to President Eisenhower. It was a Law Review article in the California Law Review of December 1949, entitled "Congressional Investigations—Judicial Review. *Kilburn v. Thompson* Revisited."

I would only like to state, if I may, Mr. Chairman, that I am very much disturbed that there seems to be an increasing inclination on the part of the executive branch of the Government to assert this so-called doctrine of Executive privilege to thwart congressional investigation.

I think there is no foundation whatever in the law for any such doctrine. I think it is imagined out of the air. There are no court cases upholding any such doctrine, and there is a long line of cases which indicates Congress has the power to get the facts it needs; and by and large, as the public is concerned with the public business, those facts are in the possession of the executive branch of the Government, and if any clerk in the executive branch of the Government can tell Congress they do not need to know about the public business and they will decide whether it is proper for the Congress to have it, it bears implications upon the very nature of our Government of self-government through elected representatives, because obviously if you don't know you can't make intelligent decisions—legislative policy decisions.

I am disturbed that there is a growing tendency on the part of the executive branch of the Government to exert this nonexistent, fanciful doctrine of Executive privilege any time they do not want to give Congress some information Congress thinks it ought to have.

Mr. HARDY. I think it is a very disturbing thing generally and it is something that could lead to all kinds of difficulties. It is something I don't think we can live with. In the instant case, actually significant parts of this inquiry have been thwarted by so-called Executive privilege. The Congress is left in the dark with implications in the testimony which reflect seriously on people who are still holding public jobs and being paid out of tax funds. There are serious implications with respect to the performance of some of the people who may have been the objects of criticism by the ones who were discharged. The charges which were made in a great many cases have been documented and adequately supported in the record of this hearing. I think that the implications are extremely serious and they are going to have to be called to the attention of the House.

Mr. Chairman, when the House accepted the amendment offered by the gentleman from Virginia to the Mutual Security Act of 1959, ordering that documents in possession of the International Cooperation Administration be made available to the General Accounting Office and to appropriate committees of the Congress, we had thought that this battle to uphold the right of Congress to full knowledge of the conduct of the public business had been won. However,

as the gentleman from Virginia has pointed out, the President, in signing that act containing the Hardy amendments, which I believe were unanimously approved in both the House and the Senate, issued a formal press release asserting that the amendments were inoperative because of the so-called constitutional Executive privilege to withhold information.

There has been no Court decision on this most important constitutional question. Either the Congress or the Executive has exercised restraint or acquiescence so that the investigative power of the Congress with respect to asserted claims of privilege in the Executive to withhold documents from the Congress has never been passed upon in litigation.

I suggest, Mr. Chairman, that such a clash in the courts between the two great branches of our Government is unseemly and should be avoided if possible.

I believe the amendment offered by the gentleman from Virginia has provided an avenue for the enforcement of the power of the Congress to obtain information about the conduct of public affairs which minimizes the risk of such unseemly litigation.

As I envision it, if the International Cooperation Administration officials, after the bill presently before us becomes law, should arbitrarily and contemptuously disregard a valid request of any of the committees named in the Hardy amendment, the Comptroller General would be bound, under the Hardy amendment, to rule that expenditures to carry out provisions of the Mutual Security Act with respect to which the request for information was refused, would be illegal.

Mr. Chairman, in support of the laudable purpose of the Hardy amendment, I was very interested to read in this morning's Washington Post an excellent editorial which I incorporate at this point in my remarks:

#### EXECUTIVE PREROGATIVE

President Eisenhower was badly advised in his statement putting his own construction on the meaning of the Hardy amendment to the Mutual Security Act. Congress is as well aware as the President that legislation cannot alter the constitutional duties of the Executive with respect to the disclosure of information, documents and other materials, and it is hardly in need of a lecture on the subject. It also is aware, however, that the Executive cannot alter the constitutional duties of Congress.

"The information amendment states that upon request: All documents, papers, communications, audits, reviews, findings, recommendations, reports, and other material which relate to the operation or activities of the International Cooperation Administration shall be furnished to the General Accounting Office and to any committee of the Congress, or any duly authorized subcommittee thereof."

The language is similar to that in the act creating the General Accounting Office. It seems to be an appropriate exercise of the right of the legislative branch to make sure that the purposes of the legislature are carried out and that the money is wisely and honestly disbursed. Some of the information so far made available to Congress certainly justifies anxiety with reference to the handling of these moneys. Those entirely sympathetic with the objectives of the



program have been rightly distressed at evidences of laxity and maladministration.

These are not matters about which Congress can be wholly indifferent, trusting blindly and implicitly in the good faith and performance of executive departments. If there is a nonreviewable, nonjusticiable power in the executive to refuse all information it wishes to withhold, Congress might as well shut up shop.

Just where the line can be drawn has always been a matter of some political pulling and hauling. The courts never have ruled on the matter. Whatever the precise meaning of the Constitution, and whatever the exact rights of the executive, the early Presidents, while often arguing the existence of an executive privilege, generally gave Congress what it sought. Although President Washington was unhappy at the way in which the House sought papers on the tragic St. Clair expedition, he sent up all the matter at hand as Douglas Freeman notes:

"Washington had learned long previously the protective value of candor in dealing with the American people and he knew that one reason for their trust in him was their belief he would tell them the whole truth."

The wisest Presidents have imitated such candor, particularly in dealing with situations in which irregularities were feared.

Mr. Chairman, I congratulate the gentleman from Virginia for his persistence and for his skill in fashioning a sanction which, so far as I can see, is without flaw and which will effectively compel the production of information at the request of the Congress which is so necessary to sound and intelligent declarations of public policy in our modern complex society.

I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. HARDY].

The amendment was agreed to.

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 8, line 4, strike out section 112, lines 4, 5, and 6.

Mr. CONTE. Mr. Chairman, as the authorization bill passed the House and the Senate and was signed by the President, an item of \$10 million was placed in the authorization bill for the U.S. participation in the World Refugee Year. This clause was stricken by the Committee on Appropriations.

Mr. Chairman, as you know, the United Nations last December passed a resolution calling for a speedup of the refugee program throughout the world. The United States was to participate in this program for European refugees from Red China, for the Algerian refugees in Tunis and Morocco, and other countries, and resettlement grants in the country of immigration.

Mr. Chairman, there are literally thousands of homeless souls behind the Iron Curtain all over the world and, Mr. Chairman, this is merely a contribution by the United States, with 30 other countries throughout the world, to speed up the program so as to bring the mothers together with their children once more, to bring the husbands and wives together, as well as fathers and sons. I hope, Mr. Chairman, that this amendment will pass. It will cost no more money. The money will come out

of the contingency fund. I am not asking for a single extra dollar. I hope the United States will live up to its bargain and responsibility.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Minnesota.

Mr. JUDD. The point ought to be made also that it is not mandatory for the Executive to use this \$10 million for World Refugee Year. The language provides that it shall be available for this purpose if a suitable program is developed and if the various other countries also contribute their share, and if the President decides that is the best use to make of not to exceed \$10 million of the funds in the Contingency Fund.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Pennsylvania.

Mr. FULTON. I would like to point out that President Eisenhower has called on the country and the citizens to participate in the World Refugee Year, and this will help implement that. I strongly support the amendment.

Mr. CONTE. In conclusion, Mr. Chairman, just about every church group in the United States has endorsed this Refugee Year program.

Mr. DORN of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from South Carolina.

Mr. DORN of South Carolina. Where are these refugees going?

Mr. CONTE. Some will be returned to their homelands, others will be placed in countries with their families, so that they can once again live with dignity and have opportunity to prosper.

Mr. DORN of South Carolina. I just wanted to make sure they did not come here.

Mr. PASSMAN. Mr. Chairman, I move to strike out the last word.

I certainly oppose the amendment. I thought that the committee was almost unanimous on this limitation that we placed in the bill. This is earmarking funds, of course, from the contingency fund. The House has just voted down a similar proposal. Now, there are so many of these provisions in the bill that provide for additional money, and the subcommittee and the full committee felt that this proviso should be placed in there. Therefore, I hope that the committee votes down the amendment.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield.

Mr. GARY. Mr. Chairman, we have had refugee programs in this bill for many years. They have been very valuable programs, and proper programs. They have accomplished a great deal in handling the refugees abroad. We still have provisions for refugee programs in this bill.

The item now under debate is a special appropriation of \$10 million, with the idea of stepping up the program during the Refugee Year. What it will result in we can never know. It will be a long time before we complete the refugee program. All that this would amount to is

to step up our regular program and put it on a permanent basis of \$10 million a year.

Mr. PASSMAN. I might also state that there is no budget estimate submitted for this item. It is a blanket request, with no budget request. I trust the amendment will be voted down.

Mr. WALTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, because of the resolution adopted by the United Nations designating this year as Refugee Year, I trust that the \$10 million provided for will be appropriated. But let us get a true perspective of the situation. I had a nose count made of the refugees who are subject to the mandate of the United Nations. There are fewer than 29,000 in Europe. This, of course, strikes many of the Members as very strange because of the bills that have been introduced providing for the admission into the United States of 68,000 annually. But there are not that many refugees in all of Europe who are subject to the mandate of the United Nations.

Therefore, if we appropriate \$10 million—and I am not objecting to it—let it be understood that this money will be used for the refugees in Palestine and for the upward of 3 million Chinese refugees in Hong Kong.

In that connection, it is very interesting to note that the British offered the resolution designating this year as Refugee Year. They were a long while in finding out that there were such things as refugees. They were a long time in finding out that the Intergovernmental Committee for European Migration was moving thousands of people every year. It was not until the problem in Hong Kong became acute that the British came along with this resolution and an appropriation of \$500,000.

I am very proud of the fact that our great Republic has contributed much more than \$500,000 every year in the relief of this problem. But let us go into this thing with our eyes wide open. This money cannot be used for European refugees because there just are not that many.

Mr. ALEXANDER. Mr. Chairman, I rise in opposition to the amendment.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield.

Mr. PASSMAN. I would like to state again that there has been no budget estimate for this item and any support for the amendment has been generated, in my opinion, today. I do not recall any support for this amendment in the committee.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield.

Mr. CONTE. I lost so many battles with the gentleman in the subcommittee that I was punch drunk at that point.

Mr. PASSMAN. The gentleman means that he supported my views and subsequently decided that I was wrong. Let us resolve our differences the next time.



Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from New York.

Mr. TABER. Mr. Chairman, I am opposed to the elimination of this language in the bill. As the gentleman from Pennsylvania [Mr. WALTER] told us, there are very few of these people. There is absolutely no excuse for permitting the \$10 million that is set up in section 703, which I have in front of me. The Budget did not send up any estimate calling for anything of that character, nor did anybody else. For us to approach this problem in a sort of wild way is ridiculous to me. I think the provision the committee has in the bill is salutary and something that is necessary for everyone and especially here in the United States.

Mr. COAD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I had an amendment at the desk which would have done the same thing as the amendment before the House. Therefore I am rising to support this amendment which will permit the President to use up to \$10 million of his \$155 million contingency fund for the U.S. share of the World Refugee Year program.

I would like to point out, Mr. Chairman, that this House adopted the conference report on a rollcall vote of 257 to 153, just the other day, which included section 703, which set up and provided authority for the expenditure of \$10 million by the President of the United States out of his contingency fund for the U.S. share of the World Refugee Year. I would like to point out to the subcommittee chairman, the gentleman from Louisiana [Mr. PASSMAN], that it was only a few minutes ago that he defended the President's \$155 million contingency fund against a cut even after the House of Representatives originally had passed out a contingency fund of only \$100 million.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. COAD. I yield to the subcommittee chairman.

Mr. PASSMAN. Yes; I defended the contingency fund, but now I also want to defend it from being raided by these requests to earmark the funds.

Mr. COAD. This \$10 million item for the World Refugee program is to be an expenditure out of the contingency fund. The House adopted this program when we adopted the Mutual Security Act of 1959 conference report just a few days ago. Then the House Committee on Appropriations, after the authorization bill was passed, reported out the appropriation bill. The committee members knew, we all knew, of the authorization of the \$10 million. The House of Representatives, this Congress, the people of this Nation, have joined together and have spent millions and billions of dollars in the International Geophysical Year and in the future we will spend billions and billions of dollars more. We have entered into the International Geophysical Year and that was all right to appropriate money for that, and I have sup-

ported the IGY, but now when it comes to the world refugees and when it is to help some people who are downtrodden throughout the world, then we begin to shed crocodile tears because this is not an appropriation committee item that has come through the Bureau of the Budget.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. COAD. I yield.

Mr. HAYS. This is not mandatory; is it?

Mr. COAD. It is absolutely not mandatory.

Mr. HAYS. Then it is permissive?

Mr. COAD. It is not mandatory. It is permissive.

Mr. HAYS. Then it seems a little strange to me that the subcommittee would get so excited about a piece of permissive legislation when they just attempted to make it mandatory that we spend \$50 million for Spain.

Mr. COAD. I appreciate the gentleman's comments.

Mr. Chairman, this is one time that we can get right to the people who are seriously downtrodden. We know that they may be only a few in certain sections of the world, but let us look at this whole thing in proper perspective and let us see what it really means. It means that here and now we are saying to the entire world and to the people who are at the lowest level, displaced and depressed, that we are entering into this program this year.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. COAD. I yield.

Mr. JUDD. Just so that we know exactly what the language is that the gentleman's amendment would restore, this is how it reads:

Sec. 703. Of the funds appropriated pursuant to section 451(b) of the Mutual Security Act of 1954, as amended, the sum of \$10,000,000 shall be available for United States participation in World Refugee Year. Such sum shall be available for allocation by the President for assistance, either directly or through intergovernmental organizations or agencies, to the various refugee groups, and shall be used primarily in furtherance of permanent solutions of the problems of such groups and in alleviating their urgent emergency needs.

Mr. Chairman, what can be wrong with authorizing the President to use for this worthy purpose funds already in the bill? If the program of cooperation with other nations materializes, then they will enable the United States to do its share of the job. The President does not have to use all or any of the amount, and he will not use it unless he is sure it will be used to good advantage. This will not cost the taxpayers any more money. It merely makes it possible, if we adopt the amendment of the gentleman from Massachusetts, for the administration to use up to \$10 million of these funds for this particular program this particular year.

Mr. COAD. I thank the gentleman. I would like also to point out as the author of the amendment the gentleman from Massachusetts has pointed out that civic groups, church groups, and other phil-

anthropic organizations are behind this. This is a worldwide program. I urge the adoption of this amendment.

(Mr. COAD asked and was given permission to revise and extend his remarks.)

Mr. CURTIS of Massachusetts. Mr. Chairman, I rise in support of the amendment.

I think it might be helpful to remember what the conference committee said about this item, and I quote from the conference committee report:

The Senate amendment authorized an appropriation of \$10 million for U.S. participation in the World Refugee Year to be used for assistance to refugee groups throughout the world. The House bill contained no provision on this subject. The managers on the part of the House accepted the Senate language with an amendment that deletes the separate authorization of an appropriation. Instead the use of \$10 million from funds appropriated pursuant to section 451(b) is authorized for this purpose.

Section 451(b) relates to the President's Contingency Fund. If we do not support this amendment we are passing a provision here to the effect that none of the President's contingency funds can be used for this purpose. In other words, no funds will be available for the World Refugee Year.

Anybody who has visited the Middle East and has seen the Arab refugees on the sands of the desert there will certainly regret it if this House in its wisdom forecloses the possibility of any funds from this great country for the World Refugee Year.

All we have now in the authorization bill is a provision that the President can use some money from his contingency fund for this purpose. There is nothing wrong with that, Mr. Chairman. I am willing to trust the President to use that authorization with discretion. There is no appropriation. Yet section 112 of the bill now before us would take away that authorization. So I say that this amendment offered by the gentleman from Massachusetts to strike out said section 112 is a wise and valuable amendment. I hope it will be adopted.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CONTE].

The question was taken, and on a division (demanded by Mr. CONTE) there were—ayes 127, noes 111.

Mr. PASSMAN. Mr. Chairman, I ask for tellers.

Tellers were ordered and the Chair appointed as tellers Mr. PASSMAN and Mr. CONTE.

The Committee again divided and the tellers reported that there were—ayes 144, noes 113.

So the amendment was agreed to.

The CHAIRMAN. Are there any other amendments?

Mr. PASSMAN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with sundry amendments, with the recommendation that the amendments be



agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PASSMAN. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. HOFFMAN of Michigan. Mr. Speaker, I demand a reading of the engrossed copy of the bill.

The SPEAKER. Further consideration of this bill will go over until tomorrow.

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the Clerk may be authorized to make any clerical corrections that may be necessary in the bill H.R. 8385.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

#### GENERAL LEAVE TO EXTEND REMARKS

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks in the RECORD on the bill H.R. 8385.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

#### CREATING A COAL RESEARCH AND DEVELOPMENT COMMISSION

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6596) to encourage and stimulate the production and conservation of coal in the United States through research and development by creating a Coal Research and Development Commission, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, POWELL, EDMONDSON, SAYLOR, and WHARTON.

#### SELECT COMMITTEE TO CONDUCT A STUDY AND INVESTIGATION OF THE PROBLEMS OF SMALL BUSINESS

The SPEAKER laid before the House the following announcement:

Pursuant to the provisions of House Resolution 51, 86th Congress, the Chair appoints as a member of the Select Committee To Conduct a Study and Investigation of the Problems of Small Business, to fill the existing vacancy thereon, the gentleman from Illinois, Mr. DERWINSKY.

#### PROPOSAL TO NAME DAM FOR LATE DOUGLAS MCKAY

(Mr. PORTER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PORTER. Mr. Speaker, yesterday I introduced a bill to change the name of the Green Peter Dam on the Middle Santiam River in my district to the Douglas McKay Dam and Reservoir. An identical bill was introduced in the other body last Friday by Senator NEUBERGER.

It is my hope that the legislation can be promptly enacted.

I have reason to believe that the Corps of Engineers will issue a favorable report. I know of no one who believes that the present name should be retained. The only question worth discussing is whether Douglas McKay deserves this honor over all other possible choices.

Douglas McKay was buried last Saturday. He was one of the original 42 members of the Willamette Basin Project Committee appointed in 1935 by Charles H. Martin, Governor of Oregon. He was elected chairman at the first meeting and held that office until he himself was elected Governor of Oregon in 1948.

The Green Peter Dam, along with many others, was authorized during the period of McKay's chairmanship. His leadership is directly connected with the progress of the project to date.

#### GOVERNOR M'KAY ENDORSED 308 REVIEW REPORT

Moreover, as Governor he gave Oregon's endorsement to the 308 review report of the Corps of Engineers, a report that proposed many dams in the Willamette and Columbia River Basins.

These actions, coupled with the honor of his position as a member of President Eisenhower's Cabinet, seem to me to place his name in the top spot for the renaming of the Green Peter Dam.

Would not some Democrats, especially those who remember his opposition to Hells Canyon Dam, object? I suppose they will. I took part in the 1956 campaign when McKay tried to defeat WAYNE MORSE for the Senate. It was a lively campaign and one we will not forget for a long time. Many of the tactics used by the McKay forces, I do not say McKay himself, were more than questionable. However, these tactics boomeranged and Senator MORSE won by some 60,000 votes.

Should these tactics and McKay's differences of political and economic beliefs lead to opposition by Democrats in Oregon or elsewhere to the proposed legislation? I think not. The man who has the most reason to refuse to let bygones be bygones is WAYNE MORSE. How does he feel?

#### HOW DOES SENATOR MORSE FEEL?

On July 15 when news of McKay's illness reached Washington, but the outlook for recovery was good, Senator MORSE stated on the Senate floor that the International Joint Commission, under the chairmanship of McKay, was making great progress in trying to resolve the perplexing and troublesome difficulties which have developed between the United States and Canada over water problems.

Senator MORSE in the course of these remarks quoted his own recent newsletter where he had written that the Commission under McKay was doing a very good job.

Upon receiving word of McKay's death Senator MORSE paid him a tribute on the floor of the Senate in words where no hint of rancor could be found. He mentioned their political differences, but added:

I have always held him, as a person, in very high regard.

If Senator MORSE can lay aside the hard feelings of a hard campaign, certainly other Democrats can do no less.

This dam, now known as the Green Peter Dam, is now in the Senate version of the public works appropriations bill for \$1,500,000 in construction money. It is a new construction start added by the Senate and awaiting action by the conferees. The total cost is \$60,800,000.

#### THE TIME IS NOW

It was added by the Senate in the 85th Congress and then eliminated in conference. Every year the costs of construction go up. Every year more precious arable land in Oregon washes downstream never to be replaced. Every year our electric power supply grows smaller relative to our needs. And there are many other good reasons why this project should be started now.

Changing the name will not make the project any better or any worse but it may help call the attention of the conferees and other Members of Congress, as well as the President, to the proven merits of this much delayed and much needed dam and reservoir.

The main purpose of the legislation, however, is to honor the memory of Douglas McKay as a man who worked hard and long for the welfare of his State and Nation. Most of us Democrats disagreed with his political beliefs but we respected him as a man just as we value the political processes of our Nation which encourage disagreement as the best road to sound policies.

#### SUBVERSIVES ACTIVITIES CONTROL ACT

(Mr. WALTER asked and was given permission to extend his remarks at this point in the RECORD.)







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

## CONTENTS

Issued July 30, 1959  
For actions of July 29, 1959  
86th-1st, No. 128

|                             |  |  |
|-----------------------------|--|--|
| Appropriations...2,10,11,25 |  |  |
| Area redevelopment.....6    |  |  |
| Banking.....18,25           |  |  |
| Civil defense.....7,23      |  |  |
| Cotton.....5                |  |  |
| Credit unions.....19,25,30  |  |  |
| Farm loans.....18           |  |  |
| Farm program.....3,26       |  |  |
| Foreign affairs.....13      |  |  |
| Foreign aid.....8,9         |  |  |
| Foreign currencies.....14   |  |  |
| Forestry.....27,36          |  |  |
| Highways.....23             |  |  |
| Housing loans.....15        |  |  |
| Imports.....5,36            |  |  |
| Information.....17          |  |  |
| Insecticides.....12         |  |  |
| Interest rates.....31       |  |  |
| Lands.....20                |  |  |
| Legislative program.....25  |  |  |
| Life insurance.....34       |  |  |
| Military construction...14  |  |  |
| Monopolies.....4            |  |  |
| Mutual security.....9       |  |  |
| Personnel.....1,22,34       |  |  |
| Public debt.....37          |  |  |
| Public Law 480.....14       |  |  |
| Recreation.....33           |  |  |
| Retirement.....22           |  |  |
| Soil bank.....32            |  |  |
| Sugar.....16                |  |  |
| Supply management.....24    |  |  |
| Tobacco.....16              |  |  |
| Transportation.....21,35    |  |  |
| Vocational education....11  |  |  |
| Wheat.....29                |  |  |

HIGHLIGHTS: Sen. Dirksen defended Department's record in submitting farm program legislation. House passed mutual security appropriation bill. Both Houses passed appropriation continuation measure. Senate passed bill to increase salaries of Administrative Assistant Secretaries. House received conference report on Labor-HEW appropriation bill. Sen. Symington introduced and discussed bill to compensate producers under soil bank program for actions based on erroneous information.

## SENATE

1. PERSONNEL. Passed as reported S. 1845, to increase the salaries of Administrative Assistant Secretaries, including this Department, to \$19,000 per annum. The bill also authorizes the Secretary of Commerce to fix the annual rates of basic compensation of examiners-in-chief of patents, subject to approval of the Civil Service Commission. pp. 13337-8
2. TEMPORARY APPROPRIATIONS. Both Houses passed without amendment H. J. Res. 475, the continuing resolution making temporary appropriations to departments and agencies for August pending the enactment of the remaining regular appropriation bills. This measure will now be sent to the President. pp. 13334, 13355-6
3. FARM PROGRAM. Sen. Dirksen defended the record of this Department against charges that it had not submitted to Congress adequate drafts of farm program



legislation, listed instances in which such legislation has been submitted during this session, inserted testimony by the Secretary before the Senate Agriculture and Forestry Committee on the matter, and stated "There is the chronology, in all its naked boldness; and I know of no way that it can be denied, and I know of no way that it can be denied that the responsibility is not on the Department of Agriculture. The responsibility is on Congress." p. 13305

4. MONOPOLIES. Passed with amendments S. 716, to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws. pp. 13323-33
5. COTTON IMPORTS. Sen. Jordan urged that restrictions be placed on the importation of cotton textiles now, stating that "In the years to come, it will be incomparably harder to place restraints on imports." p. 13301
6. AREA REDEVELOPMENT. Sen. Randolph urged the enactment of area redevelopment legislation. p. 13304
7. CIVIL DEFENSE. Sens. Javits and Young, O., debated the merits of increasing Federal expenditures for civil defense protection. pp. 13313-5
8. FOREIGN AID. Sen. Keating inserted an article by Under Secretary of State Dillon, "Imperatives of International Economic Growth," discussing the importance of foreign economic aid. pp. 13299-301

HOUSE

9. MUTUAL SECURITY. Passed, 279 to 136, with amendments H. R. 8385, the mutual security appropriation bill for 1960, after rejecting a motion to recommit (see Digest 127 for a summary of the amendments considered and for a listing of the provisions of the bill affecting this Department). pp. 13354-5, 13366-7
10. PUBLIC WORKS APPROPRIATION BILL FOR 1960. Conferees were appointed on this bill, H. R. 7509. (p. 13355). Senate conferees have already been appointed.
11. LABOR-HEW APPROPRIATION BILL FOR 1960. Received the conference report on this bill, H. R. 6769 (H. Rept. 734). pp. 13357-8, 13381  
An amendment concerning the promotion and further development of vocational education and one concerning research and training grants for vocational rehabilitation were reported in disagreement (on the latter amendment it was agreed to make a motion providing for \$12,700,000). Another amendment provides that the apportionment to the States under certain sections of the bill for vocational rehabilitation will be on the basis of \$29,267,081.
12. INSECTICIDES. Concurred in the Senate amendment (a clerical error) to H. R. 6436, to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and dessicants (p. 13356). This bill will now be sent to the President.
13. FOREIGN AFFAIRS. Agreed to a resolution (S. Con. Res. 67) which corrected a technical error in S. 1928; to provide for U. S. participation in the Inter-American Development Bank (p. 13356). This bill (S. 1928) will now be sent to the President.
14. FOREIGN CURRENCIES. Received the conference report on H. R. 5674, to authorize construction at military installations including the use of foreign currencies under Public Law 480 for foreign military housing construction (H. Rept. 729). pp. 13342-54, 13380



been specifically authorized by legislation enacted after that date.

The conferees agreed that the words "design" and "development" should be stricken from the language and that it be directed solely to the procurement of aircraft and missiles. The conferees also agreed that the date after which authorizing legislation would be necessary should be changed from December 31, 1959, to December 31, 1960. Also inserted by the conferees was a similar requirement with respect to naval vessels.

The conferees are in agreement that proper discharge of the legislative responsibilities of the Armed Services Committees requires an authorization of the aircraft, missile, and naval vessel procurement programs and that a thorough examination of these areas might serve to reduce the enormous cost of defense and be of assistance to the Committees on Appropriations in their consideration of the defense budget.

To implement this agreement, the conferees agreed to insert a new section 412 which will require the submission to the two Houses of a detailed statement with respect to those portions of the budget which relate to the procurement of aircraft, missiles, and naval vessels and also with respect to the procurement currently being made in these areas.

The new section, therefore, will give the two committees a year within which to make such internal changes in their committee structure as may be necessary and to study the field of aircraft, missile, and naval vessel procurement. After this year of preparation, the committees will then be ready to function in the legislative area and will be prepared to submit to their respective Houses soundly conceived and clearly presented programs for legislative consideration.

The conferees wish to point out that in referring to "aircraft," "missiles," and "naval vessels" it intends to refer only to operational aircraft, missiles, and naval vessels since it is to procurement in this area that the committees are directing this new requirement for specific legislative authorization.

The conferees cannot overemphasize their concern over the large expenditures entailed in procurement of aircraft and missiles under the existing broad statutory authorization, as well as the associated expenditures generated in other major budget categories. The conferees agreed that an effective method for maintaining proper surveillance over this procurement would be in the manner described above. The Senate recedes with an amendment.

Section 413: This section was added by the Senate committee since attention had recently been drawn to the fact that rectification and deepening of the Houston ship channel will require the use of certain areas which lie within the San Jacinto Ordnance Depot. The ordnance depot is being disposed of by the General Services Administration and this section will exclude from the disposal the areas needed for the deepening and rectification of the channel. Planning with respect to this matter had not matured prior to completion of action on the bill by the House. The House recedes.

Section 414: This section, which extends the Capehart Family Housing Act until September 30, 1960, and limits the number of Capehart housing units to an additional 20,000 units during the coming year, was inserted by the Senate committee. Since the President vetoed S. 57, the Housing Act of 1960, the inclusion of the extension of the Capehart Act was indeed provident. The House conferees had no objection to this extension nor to the limitation imposed. The House recedes.

Section 415: The Senate committee during its consideration of the bill inserted language which would have substituted the Government for the title insurance companies in

performing functions relating to real property on which Capehart housing is proposed for construction.

The conferees agreed that the Senate language should remain in the bill but should be modified by a proviso which permits the Secretary of Defense to expend funds for title insurance if it is found impossible to finance the construction of a Capehart project without this action. The proviso also grants authority for the use of the Wherry Housing revolving fund to pay the cost involved in obtaining title search and title insurance.

In the utilization of this additional authority, a requirement is imposed that the Committees on Armed Services be promptly notified of each determination by the Secretary of Defense, in this area.

Section 418: This section, which was inserted by the Senate, amends section 404(c) (2) of the Housing Amendments of 1955 in such fashion as to require that the deposit made into the Registry of the Court in condemnation proceedings involving Wherry housing shall be an amount truly representative of the Wherry owner's equity in the project. The section details how this end will be achieved. This section would also provide that where the condemnee draws out of the Registry of the Court an amount greater than the value of the property as ultimately determined by the court, he shall pay to the Government 4 percent per annum on such excess from the time such sum was deposited in the Registry of the Court. The House recedes.

Section 419: In the House version of the bill, there was no section corresponding to Section 419. The Senate inserted language which would require that the Secretary of Defense report to the Armed Services Committees of the Senate and the House with respect to several individual elements relating to air defense.

The conferees agreed that a new section be inserted requiring that the Secretary of Defense report to the Senate and the House of Representatives the results of a complete review of all previously authorized surface-to-air missile sites. The report on this review is to provide assurance that the review revealed the military necessity for the construction of the sites selected; that the performance and capability of the missiles selected for the respective sites are in consonance with the military requirements, so as to eliminate, so far as is possible, any overlapping of missions or duplication of weapons systems.

The new section will require also that the report devote particular attention to the feasibility or desirability of modifying or expediting any of the missile programs for either defense or offense. The Senate recedes with an amendment.

Section 420: This section, which had no corresponding language in the House version of the bill, would authorize the use of funds generated by surplus commodity disposals to be used for military construction generally rather than for family housing and community facilities alone, which is the case today. As worded in the Senate version of the bill, the authorization would apply only to projects authorized by this act. The conferees agreed to modify this language so as to give it application to "any project authorized by law."

#### Hospitals

During the consideration of the construction bill in the Senate, six hospitals which had been approved by the House were stricken from the bill until, as the Senate report stated, "more realistic cost estimates are forthcoming \* \* \*." The Senate committee stated in the report that it did not intend to imply that these hospitals are not needed, but simply that cost estimates appear to be entirely unrealistic. Subsequent to the Senate consideration of the bill, the Department of Defense submitted further cost estimates on the hospitals which were somewhat lower

than those set out in the bill. The conferees were of the view that the costs still could be considered to be too high, and they, therefore, reduced the cost of all of the hospitals by approximately \$2½ million.

These projects have been approved; however, it is expected that further investigations by the Department of Defense and the military departments concerned will be made with a view to effecting further savings within the totals whenever practicable. The investigation should include a review of the necessity for the planned mobilization expansion as well as the need for providing additional space for emergency expansion to care for a large input of patients due to unforeseen circumstances such as epidemics and catastrophes.

#### Revised Plan for Air Continental Defense

The revised plan which is referred to in the Statement in both titles I and III resulted in substantial reductions in these two titles. The plan provides for a reduction and revision in the planned deployment of both BOMARC and NIKE-HERCULES missile sites, and a revision and strengthening of the electronic ground environment so necessary to the control of the weapons and the air battle.

The BOMARC deployment will be on the perimeter of the east and west coasts and the Canadian border. This deployment is in keeping with the Furnas report. The NIKE defenses will continue to provide for the urban areas now protected, and will be extended to certain carefully selected Strategic Air Command sites. Although it does not affect the military construction authorization bill, the plan further provides for putting more funds, some \$137 million, into the NIKE-ZEUS anti-missile-missile program for engineering development type of work.

#### Use of Prior Authorizations

The conferees wish to point out that among the deletions from the program contained in the bill are certain items for which there is a continuing construction requirement to adequately protect certain Strategic Air Command bases and other existing missile sites. It is proposed that this construction will be performed under authorization granted in the fiscal year 1959 law. It is desired, therefore, to make it a matter of record that authority for construction granted by Public Law 85-685 may be used to construct the items referred to above with the specific understanding that there will be construction for no more than 15 new SAC base defenses.

#### Title V

##### Reserve Forces Facilities

Under the Senate amendments to the Reserve Forces facilities title of the military construction bill, \$57,695,000 was authorized for Reserve facilities projects, whereas the bill as passed by the House provided \$57,128,000 for such projects, resulting in a difference of \$567,000 in authorization authority.

Although the total dollar authorization contained in the House and Senate version are somewhat different, the Senate version rescinded previous authorizations in the amount of \$1,251,000, whereas the House version rescinded only \$628,000 of previous authorization. Thus, the actual net difference in the total new authorization was limited to \$56,000 and therefore the House and Senate bills provided an almost identical amount of new dollar authorization for Reserve Forces facilities.

Inasmuch as the changes made in the amounts of new authorization and rescissions of previously granted authorization were almost entirely made at the request of the Department of Defense and the National Guard Bureau, the House recedes from its position and accepts the Senate substitutions.

#### Differences in Dollar Authorizations

As the bill passed the House, the authorities granted in the Army, Navy, Air Force,



and Reserve components titles totaled \$1,252,808,000. The corresponding authority granted in the Senate version of the bill totaled \$1,211,480,000 or \$41,128,000 less than the House version. The total agreed to by the conferees for titles I, II, III, and V is \$1,225,475,150. This latter sum is \$27,132,850 less than the House version and \$13,995,150 more than the Senate version.

CARL VINSON,  
PAUL J. KILDAY,  
CARL T. DURHAM,  
L. MENDEL RIVERS,  
PHILIP J. PHILBIN,  
L. C. ARENDTS,  
L. H. GAVIN,  
WALTER NORBLAD,  
FRANK C. OSMERS, JR.,  
*Managers on the Part of the House.*

#### MAINTENANCE AND TRAVEL EXPENSES OF JUDGES

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2902) relating to the maintenance and travel expenses of judges, with an amendment of the Senate thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert "That the first paragraph of section 456 of title 28, United States Code, is amended to read as follows:

"Each Justice or judge of the United States and each retired Justice or judge recalled or designated and assigned to active duty, while attending court or transacting official business at a place other than his official station, shall, upon his certificate, be paid by the Director of the Administrative Office of the United States Courts all necessary traveling expenses, and also a per diem allowance in lieu of actual expenses of subsistence (as defined in the Travel Expense Act of 1949, as amended, 63 Stat. 166; 5 U.S.C. 835) at the per diem rate provided for by the Travel Expense Act of 1949, as amended, or, in accordance with regulations prescribed by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States, reimbursement for his actual expenses of subsistence not in excess of the maximum amount fixed by the Travel Expense Act of 1949, as amended."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### SPECIAL ORDER GRANTED

Mr. RAINS. Mr. Speaker, I ask unanimous consent that on tomorrow, following the legislative business and the conclusion of special orders heretofore granted, I may address the House for 1 hour on the President's veto message on housing.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

#### ORDER OF BUSINESS—PRIVATE CALENDAR TO BE CALLED ON AUGUST 11

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar on Tuesday next be dispensed with and that it may be in order to call the Private Calendar on August 11.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The SPEAKER. The unfinished business is the reading of the engrossed copy of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

The Clerk read the engrossed copy of the bill.

Mr. TABER. Mr. Speaker, would it be in order to ask consent that further reading of the bill be dispensed with?

The SPEAKER. It would be. Does the gentleman submit such a request?

Mr. TABER. I do.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BOW. I am.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. Bow moves to recommit the bill H.R. 8385 to the Committee on Appropriations.

Mr. PASSMAN. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 279, nays 136, answered "present" 2, not voting 17, as follows:

[Roll No. 119]

YEAS—279

|                 |          |               |
|-----------------|----------|---------------|
| Addonizio       | Aspinall | Bass, N.H.    |
| Anderson, Mont. | Avery    | Bates         |
| Anfuso          | Ayres    | Baumhart      |
| Arendts         | Baker    | Becker        |
| Ashley          | Baldwin  | Beckworth     |
|                 | Barrett  | Bennett, Fla. |

|               |                   |                |
|---------------|-------------------|----------------|
| Blatnik       | Griffiths         | Nelsen         |
| Boggs         | Gubser            | Nix            |
| Boland        | Hagen             | Norblad        |
| Bolling       | Halleck           | O'Brien, Ill.  |
| Bolton        | Halpern           | O'Brien, N.Y.  |
| Bowles        | Hardy             | O'Hara, Ill.   |
| Boyle         | Hays              | O'Hara, Mich.  |
| Brademas      | Healey            | O'Neill        |
| Breeding      | Hébert            | Oliver         |
| Brewster      | Hechler           | Osmers         |
| Brooks, Tex.  | Herlong           | Ostertag       |
| Broomfield    | Hess              | Passman        |
| Broyhill      | Holified          | Pelly          |
| Burdick       | Holland           | Perkins        |
| Burke, Ky.    | Holtzman          | Philbin        |
| Burke, Mass.  | Horan             | Pillion        |
| Bush          | Hosmer            | Pirnie         |
| Byrne, Pa.    | Huddleston        | Porter         |
| Byrnes, Wis.  | Ikard             | Powell         |
| Cahill        | Irwin             | Price          |
| Carnahan      | Jackson           | Prokop         |
| Carter        | Jarman            | Pucinski       |
| Celler        | Johnson, Calif.   | Quie           |
| Chamberlain   | Johnson, Colo.    | Quigley        |
| Chelf         | Johnson, Md.      | Rains          |
| Chenoweth     | Johnson, Wis.     | Randall        |
| Chiperfield   | Jones, Ala.       | Ray            |
| Clark         | Jones, Mo.        | Reuss          |
| Coad          | Judd              | Rhodes, Ariz.  |
| Coffin        | Karsten           | Rhodes, Pa.    |
| Cohelan       | Karth             | Riehlman       |
| Conte         | Kasem             | Rivers, Alaska |
| Cook          | Kastenmeier       | Roberts        |
| Cooley        | Kearns            | Robison        |
| Corbett       | Kee               | Rodino         |
| Cramer        | Keith             | Rogers, Colo.  |
| Curtin        | Kelly             | Rogers, Mass.  |
| Curtis, Mass. | Keogh             | Rooney         |
| Daddario      | Kilday            | Roosevelt      |
| Dague         | King, Calif.      | Rostenkowski   |
| Daniels       | King, Utah        | St. George     |
| Davis, Tenn.  | Kirwan            | Santangelo     |
| Dawson        | Kluczynski        | Saund          |
| Delaney       | Kowalski          | Schenck        |
| Denton        | Laird             | Schwengel      |
| Derounian     | Lane              | Selden         |
| Diggs         | Langen            | Shelley        |
| Dingell       | Lankford          | Simpson, Pa.   |
| Dixon         | Lesinski          | Sisk           |
| Dollinger     | Levering          | Slack          |
| Donohue       | Libonati          | Smith, Iowa    |
| Dooley        | Lindsay           | Smith, Miss.   |
| Dorn, N.Y.    | Loser             | Spence         |
| Downing       | McCormack         | Springer       |
| Doyle         | McDowell          | Staggers       |
| Dulski        | McFall            | Stratton       |
| Durham        | McGinley          | Stubblefield   |
| Dwyer         | McGovern          | Sullivan       |
| Edmondson     | Macdonald         | Taber          |
| Elliott       | Machrowicz        | Taylor         |
| Evins         | Mack, Ill.        | Teague, Calif. |
| Fallon        | Madden            | Teller         |
| Farbstein     | Magnuson          | Thompson, N.J. |
| Fascell       | Mahon             | Thornberry     |
| Feighan       | Mailliara         | Toll           |
| Fenton        | Marshall          | Tollefson      |
| Fino          | Martin            | Trimble        |
| Flood         | Matthews          | Udall          |
| Flynn         | May               | Ullman         |
| Fogarty       | Meador            | Vanik          |
| Foley         | Morrow            | Van Zandt      |
| Forand        | Metcalf           | Vinson         |
| Ford          | Meyer             | Wainwright     |
| Frazier       | Miller, Clem      | Wallhauser     |
| Frelinghuysen | Miller, George P. | Walter         |
| Friedel       | Miller, N.Y.      | Watts          |
| Fulton        | Milliken          | Weis           |
| Gallagher     | Mills             | Westland       |
| Garmatz       | Moeller           | Widnall        |
| Gary          | Monagan           | Wier           |
| George        | Montoya           | Wilson         |
| Giaimo        | Moorhead          | Wolf           |
| Glenn         | Morgan            | Wright         |
| Goodell       | Morris, N. Mex.   | Yates          |
| Granahan      | Multer            | Younger        |
| Green, Oreg.  | Murphy            | Zablocki       |
| Green, Pa.    | Natcher           | Zelenko        |
| Griffin       |                   |                |

NAYS—136

|           |                |             |
|-----------|----------------|-------------|
| Abbitt    | Barden         | Bray        |
| Abernethy | Baring         | Brock       |
| Adair     | Barr           | Brooks, La. |
| Alexander | Bass, Tenn.    | Brown, Ga.  |
| Alford    | Belcher        | Brown, Mo.  |
| Alger     | Bennett, Mich. | Brown, Ohio |
| Allen     | Bentley        | Budge       |
| Andersen, | Berry          | Burleson    |
| Minn.     | Betts          | Cannon      |
| Andrews   | Bonner         | Casey       |
| Ashmore   | Bosch          | Cederberg   |
| Bailey    | Bow            | Church      |



|                |               |                |
|----------------|---------------|----------------|
| Collier        | Jensen        | Riley          |
| Colmer         | Johansen      | Rivers, S.C.   |
| Cunningham     | Jonas         | Rogers, Fla.   |
| Curtis, Mo.    | Kilgore       | Roush          |
| Davis, Ga.     | Kitchin       | Rutherford     |
| Dent           | Knox          | Saylor         |
| Derwinski      | Landrum       | Scherer        |
| Devine         | Latta         | Scott          |
| Dorn, S.C.     | Lennon        | Sheppard       |
| Dowdy          | Lipscomb      | Shipley        |
| Everett        | McCulloch     | Short          |
| Fisher         | McDonough     | Siler          |
| Flynt          | McIntire      | Simpson, Ill.  |
| Fountain       | McMillan      | Smith, Calif.  |
| Gathings       | McSween       | Smith, Kans.   |
| Gavin          | Mack, Wash.   | Smith, Va.     |
| Grant          | Mason         | Steed          |
| Gray           | Michel        | Teague, Tex.   |
| Gross          | Minshall      | Thomas         |
| Haley          | Mitchell      | Thompson, La.  |
| Hall           | Moore         | Thompson, Tex. |
| Hargis         | Morris, Okla. | Thomson, Wyo.  |
| Harmon         | Morrison      | Tuck           |
| Harris         | Moulder       | Utt            |
| Harrison       | Murray        | Van Pelt       |
| Hemphill       | Norrell       | Wampler        |
| Henderson      | O'Konski      | Weaver         |
| Hiestand       | Patman        | Wharton        |
| Hoeven         | Pfost         | Whitener       |
| Hoffman, Mich. | Pilcher       | Whitten        |
| Hogan          | Poage         | Williams       |
| Holt           | Poff          | Willis         |
| Hull           | Reece, Tern.  | Young          |
| Jennings       | Rees, Kans.   |                |

## ANSWERED "PRESENT"—2

|       |         |
|-------|---------|
| Sikes | Withrow |
|-------|---------|

## NOT VOTING—17

|             |               |              |
|-------------|---------------|--------------|
| Albert      | Canfield      | Mumma        |
| Auchincloss | Forrester     | Preston      |
| Barry       | Hoffman, Ill. | Rabaut       |
| Blitch      | Kilburn       | Rogers, Tex. |
| Boykin      | Lafore        | Winstead     |
| Buckley     | Moss          |              |

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Buckley for, with Mr. Forrester against.  
 Mr. Rabaut for, with Mr. Preston against.  
 Mr. Auchincloss for, with Mr. Withrow against.  
 Mr. Moss for, with Mr. Sikes against.  
 Mr. Lafore for, with Mr. Hoffman of Illinois against.  
 Mr. Kilburn for, with Mrs. Blitch against.  
 Mr. Albert for, with Mr. Winstead against.  
 Mr. Barry for, with Mr. Rogers of Texas against.

Until further notice:

Mr. Boykin with Mr. Canfield.

Mr. SIKES. Mr. Speaker, I have a live pair with the gentleman from California, Mr. Moss. If he were present, he would vote "yea." I voted "nay." Therefore, I withdraw my vote of "nay" and vote "present."

Mr. WITHROW. Mr. Speaker, I have a live pair with the gentleman from New Jersey, Mr. Auchincloss. If he were present, he would vote "yea." I voted "nay." Therefore, I withdraw my vote of "nay" and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

# APPROPRIATIONS FOR CIVIL FUNCTIONS, DEPARTMENT OF THE ARMY CERTAIN AGENCIES OF THE DEPARTMENT OF THE INTERIOR, AND THE TENNESSEE VALLEY AUTHORITY, 1960

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7509) mak-

ing appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1960, and for other purposes, with an amendment of the Senate thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. CANNON, RABAUT, KIRWAN, JENSEN, and TABER.

## LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have asked for this time in order to inquire of the majority leader as to the program for tomorrow.

Mr. McCORMACK. Mr. Speaker, the next order of business today is the habeas corpus bill.

Tomorrow, if the conference report on the health, education, and welfare bill is filed, that will be brought up tomorrow.

The conference report on the military construction bill will be taken up tomorrow. I cannot state the order in which they will be taken up, but the conference report on the military construction bill will be taken up and the conference report on health, education, and welfare will be considered if the report is filed.

The Rules Committee has reported out three rules, as follows:

H.R. 8159, to amend the national banking laws, and so forth.

H.R. 8166, to amend lending and borrowing limitations applicable to national banks, and so forth.

H.R. 8305, to amend the Federal Credit Union Act.

I am programing those bills for tomorrow and they will be called up in the order I have announced, following consideration of conference reports.

There will be no meeting of the House on Friday, for it is not considered urgent that we be in session on Friday and that is not contingent upon finishing the three bills mentioned. That is the program for the balance of the week.

Mr. ARENDS. The program for next week will be announced tomorrow?

Mr. McCORMACK. Yes. I would like to keep the Members informed of the program as far in advance as possible.

I have agreed with my friend from Illinois, and he is aware of what I am about to say, that because there is a primary in Mississippi next Tuesday, with the understanding of the Members of the House, any rollcalls on Monday or Tuesday, outside of rollcalls on rules, will go over until Wednesday.

## TEMPORARY APPROPRIATIONS FOR THE FISCAL YEAR 1960

Mr. CANNON. Mr. Speaker, in conformity with the consent received on yesterday, I move to suspend the rules

and pass the resolution (H.J. Res. 475) amending a joint resolution making temporary appropriations for the fiscal year 1960, and for other purposes.

The Clerk read as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1959 (Public Law 86-76) is hereby amended by striking out "July 31, 1959" and inserting in lieu thereof "August 31, 1959".*

SEC. 2. The amounts appropriated by subsection (b) of section 101 of Public Law 86-76 are hereby increased as follows:

Mutual security programs from "\$200,000,000" to "\$300,000,000"; and

Transitional grants to Alaska from "\$1,000,000" to "\$2,000,000".

The SPEAKER. Is a second demanded?

Mr. TABER. Mr. Speaker, I demand a second.

Mr. HOFFMAN of Michigan. Mr. Speaker, reserving the right to object, I should like to know what the bill is about; I could not hear.

The SPEAKER. The gentleman from Missouri yesterday received consent that he might today move to suspend the rules and pass a joint resolution continuing appropriations for the month of August.

Mr. HOFFMAN of Michigan. I want to know what the appropriations are on which they are about to suspend the rules.

The SPEAKER. The Chair suggests that the gentleman from Missouri and the gentleman from New York will explain the resolution.

Mr. HOFFMAN of Michigan. Yes, but that is after they have received consent.

The SPEAKER. No consent is necessary; this is a motion to suspend the rules.

The gentleman from New York [Mr. TABER] demands a second. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Missouri is recognized.

Mr. CANNON. Mr. Speaker, this is the usual resolution to keep the departments running after July 31 in those instances where the supply bills have not been enacted. It merely extends the applicable provisions of the temporary resolution under which the departments are now operating.

The provision made for the mutual security program is identical with last year's action.

Mr. TABER. Mr. Speaker, this is the customary resolution that comes before us every year. There is nothing in it which differs from what we have had in previous years. I do not see how we can avoid passing it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. GROSS. This simply makes funds available to run the various departments of the Government by continuing appropriations until bills can be passed.

Mr. TABER. It depends on the status of the appropriation bill. If a bill has become law we do not need it, and those agencies are taken out. If it has not



become law but has passed both Houses of Congress the one with the lower figure applies. If it has passed but one House that figure would apply. If it has passed neither House the budget estimate would apply, except for the mutual security appropriation and that is limited by the resolution to \$300 million for the months of July and August.

Mr. GROSS. It provides for expenditures on the basis of and under the conditions that the gentleman has stated; is that correct?

Mr. TABER. Yes. There is one other thing. It provides for increasing the transitional grants to Alaska from \$1 million to \$2 million.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. The gentleman says it gives Alaska \$1 million more than they had before or would have had before?

Mr. TABER. It gives them \$1 million out of a \$10,500,000 appropriation that has been set up for its operations.

Mr. HOFFMAN of Michigan. Is that because Alaska is now a State instead of a Territory?

Mr. TABER. That is about it.

Mr. HOFFMAN of Michigan. So by bringing Alaska into the Union we have this additional million dollars on our shoulders?

Mr. TABER. Yes.

Mr. GROSS. Mr. Speaker, will the gentleman yield again?

Mr. TABER. I yield to the gentleman from Iowa.

Mr. GROSS. Any funds expended will be taken out of the regular appropriations?

Mr. TABER. That is correct.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

#### INTER-AMERICAN DEVELOPMENT BANK

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk Senate Concurrent Resolution 67 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

*Resolved by the Senate (The House of Representatives concurring).* That, in the enrollment of the bill (S. 1928), to provide for the participation of the United States in the Inter-American Development Bank, the Secretary of the Senate be, and he is hereby, authorized and directed to make the following change, namely: On page 8, lines 11 and 12, of the engrossed bill, in the phrase "section 4(a)(6) of the Bretton Woods Agreements Act", strike out "(a)" and insert "(b)".

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SPENCE. Mr. Speaker, this resolution would authorize the enrolling

clerk to strike out (a) and to insert (b). It is an obvious mistake, and it is the purpose of this concurrent resolution to correct the mistake.

The Senate concurrent resolution was agreed to, and a motion to reconsider was laid on the table.

#### EXTENDING VOLUNTARY HOME MORTGAGE CREDIT PROGRAM

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk Senate Joint Resolution 124 to extend the Voluntary Home Mortgage Credit Program and ask for its immediate consideration.

The Clerk read the Senate joint resolution as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 610(a) of the Housing Act of 1954 is amended by striking out "July 31, 1959" and inserting in lieu thereof "September 30, 1959".

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. McDONOUGH. Mr. Speaker, reserving the right to object, and I shall not object, I believe the House should have an explanation of the purpose of this resolution.

Mr. SPENCE. Mr. Speaker, this resolution would extend for 60 days the Voluntary Home Mortgage Credit Program in the Housing and Home Finance Agency. This is a voluntary program that was entered into by lending institutions to provide finances where financing cannot otherwise be obtained in rural areas and small towns. Over 66 percent of these loans were made to veterans who otherwise could not obtain them. This Voluntary Home Mortgage Credit Program will expire on next Friday unless it is extended, and the purpose of Senate Joint Resolution 124 is to extend it for 60 days.

These same provisions appear in the housing bill which we hope by that time may be passed by the Congress. However, if we do not pass this Senate joint resolution, the whole setup in this organization will have to be disbanded. The employees have been notified that their services will be discontinued after next Friday.

I hope that the House will continue this agency which has been so helpful in the past and which has been especially helpful to the veterans living in rural areas and in small towns where there is inadequate financing to furnish funds for the building of homes.

Mr. McDONOUGH. Mr. Speaker, I concur in all that the chairman of the Committee on Banking and Currency has said about the urgent necessity for the adoption of this resolution. It has been stated that this agency will terminate on Friday of this week. It is a vital agency for the promotion of home building in the United States.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read

the third time, and passed, and a motion to reconsider was laid on the table.

#### FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6436) to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and dessicants, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 8, line 7, strike out "348" and insert "346a."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, and I shall not object, may I ask the chairman what the Senate amendment is?

Mr. COOLEY. It merely corrects an error made in the drafting of the bill and changes the section referred to in the United States Code.

Mr. HOEVEN. It is just a clerical error?

Mr. COOLEY. That is all it is.

Mr. HOEVEN. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### AMENDING SECTIONS 43 AND 34 OF THE BANKRUPTCY ACT

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4340) to amend sections 43 and 34 of the Bankruptcy Act (11 U.S.C. 71, 62) to simplify the filling of referee vacancies, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 5 and 6, strike out "on the existing basis" and insert "without any change in the salary or arrangements".

Page 1, line 8, strike out "existing".

Page 2, line 2, after "amended" insert "by striking the word 'senior' and inserting in the place thereof the word 'chief' and".

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. McCULLOCH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas whether there is any substantive change in the bill as it left the House.

Mr. DOWDY. Not at all. The Senate used different language to express what we expressed in the House bill.

Mr. McCULLOCH. I withdraw my reservation of objection, Mr. Speaker.



tion, or of any treaty or law of the United States.

As established in the early case of *Woods against Nierstheimer*, the writ initially applied only in those cases where the court which convicted the accused had no initial jurisdiction over the body or subject matter of the crime alleged. However, the original concept has been broadened by recent Supreme Court decisions until it now incorporates what has come to be known as the "doctrine of lost jurisdiction." Under that doctrine, as announced in the case of *Johnson against Zerbst* and *Dowd against United States*, even though the court originally had appropriate jurisdiction, it will be deemed to have lost jurisdiction if the accused, subsequent to conviction, can prove that one of his constitutional rights was violated during the course of the trial or in proceedings, outside the record of and leading up to or following the trial. Since the advent of these decisions, the courts have largely lost interest in the question of jurisdiction and practically all petitions for writs of habeas corpus are based on alleged violations of constitutional rights.

The doctrine of lost jurisdiction itself has been further stretched to almost unbelievable lengths. In the case of *Brown against Allen*, the Supreme Court held that a prisoner whose conviction had been affirmed by every appellate court of the State and, by denial of certiorari by the Supreme Court of the United States could thereafter, upon application to an inferior Federal court, reopen the case by resort to habeas corpus proceedings.

This new doctrine of habeas corpus has been exploited by resourceful attorneys representing convicted criminals to delay execution of a sentence for many years. Between 1946 and 1957 Federal courts disposed of 7,041 habeas corpus cases, only 1.4 percent of which were finally decided favorably to the petitioner. Today, petitions average 750 per year, compared with less than 150 before World War II. Many of these petitions were filed by "repeaters" who, having lost one petition simply contrived new arguments based on alleged facts which were groundless, spurious, and calculated only to buy a term of temporary freedom before the imposition of sentence. In one recent case, the period between the date of filing the first petition for habeas corpus and final disposition was 8 years.

It must be understood that this legislation applies only to those defendants convicted under a State law by a State court in which a so-called "Federal question" is raised. Under the bill, a prisoner in a State jail may file a petition for habeas corpus alleging violation of a constitutional right either with (a) the judge of the Federal district court, (b) a circuit judge, or (c) a Justice of the Supreme Court. The judge or Justice thereupon will make a preliminary examination to determine whether the writ should be granted and, if necessary, may issue an order to show cause why it should not be granted. If the writ is granted, the chief judge of the circuit will designate a special three-judge dis-

trict court which will hear the evidence and decide whether the prisoner should be released from custody. The provision for a three-judge court is patterned after the system employed under Federal statutes in cases where the constitutionality of State statutes or administrative orders is involved. In habeas corpus proceedings it is felt that a single inferior Federal judge should not have the sole power to override the decision of the highest court of a State.

The decision of this special three-judge court will be considered final in the sense that a judgment must be final before the Supreme Court can consider a petition for certiorari. In other words, the decision of the three-judge court can be appealed in the customary way to the Supreme Court of the United States.

Now let us assume that the judge or justice to whom the application was first made conducted the preliminary examination and decided that the writ of habeas corpus should not be granted. In such case, the petitioner has the right to appeal to the Court of Appeals, provided the judge who denied the writ or a judge of the Court of Appeals issues a certificate of probable cause.

The bill also authorizes a limited application of the doctrine of res judicata in habeas corpus proceedings instituted by State prisoners. It provides that if the prisoner has previously filed a petition for a writ of habeas corpus and a Federal court has finally denied release from custody, a subsequent application for a writ will not be entertained by a Federal court unless the defendant can (a) produce additional grounds or facts which were not presented at the previous hearing, and (b) offer a reasonable excuse for his failure to do so. The bill further provides that after the Supreme Court has once ruled on an appeal from a State conviction, its ruling will be conclusive as to all rights, questions and facts adjudicated by the Supreme Court unless the prisoner can (a) prove the existence of a material fact which did not appear in the record of the Supreme Court proceeding, and (b) prove that the fact could not have been presented in the record by the exercise of reasonable diligence.

Mr. Speaker, this legislation does not in any wise or in any measure impinge upon human rights or detract from the legitimate use of the writ of habeas corpus. It only unburdens the Federal courts from an avalanche of illegitimate and vexatious litigation. Moreover, and equally as important, it serves the best interests of an orderly society where those who violate its laws and trespass upon the rights and endanger the safety of others must be promptly punished.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended to read as follows: "A bill relating to applications for writs of habeas corpus by persons in custody pursuant to the judgment of a State court."

## LABOR REFORM LEGISLATION

(Mr. O'HARA of Michigan asked and was given permission to extend his remarks in the body of the RECORD and to include extraneous matter therein.)

Mr. O'HARA of Michigan. Mr. Speaker, as a member of the House Committee on Education and Labor, I can testify that the committee recently completed many weeks of the most arduous and grueling legislative work that many of us have ever experienced. The product of that effort is H.R. 8342, a labor reform bill introduced by the distinguished gentleman from Alabama, the Honorable CARL ELLIOTT.

I believe that this bill, which adopts the framework and many provisions of the Senate bill, is a meaningful, effective weapon against corruption in labor-management relations. If enacted, it will do much to stop the abuses revealed by the McClellan committee without crippling the labor movement.

I am supporting this bill and earnestly solicit the support of my colleagues in the House. This is a bill that everyone can live with except the racketeers and hoodlums who have wormed their way into the labor movement. It is a bill that Members of the House can vote for and sell to their constituents.

The July 27 issue of the *New Republic* contains an article which in terse fashion sums up the merits of H.R. 8342 and the approach which the gentleman from Alabama has adopted. The *New Republic* is a distinguished journal of liberal opinion and could never be accused of antilabor bias. I therefore wish to call this article to the attention particularly of Members of this House who consider themselves friends of labor, as I consider myself.

Under unanimous consent, I include at this point in the RECORD the above-mentioned excerpt from the *New Republic* of July 27:

### THE LABOR BILL

The AFL-CIO leadership will decline to say so, but organized labor's friends in the House of Representatives last week did the labor movement a good turn. They may not be blessed for it by George Meany (whose position as head of a loose coalition of power enclaves requires him to bristle at any mention of regulatory legislation), or by the NAM (which would prefer no legislation to that which calls for less than labor's unconditional surrender).

Six weeks ago, the Republican minority leader, Mr. HALLECK, let it be known that no labor reform measure would get through this session. The wish may have been father to the prediction, but his opinion was echoed by some astute journalists. The House Labor Committee did, however, produce a bill last week which has the distinction of having been written by the Committee itself, and of being very much better not only than the extreme measures demanded by labor's enemies but an improvement over the more ambiguous and more punitive Senate bill. It deserves approval by the whole House and by the Senate. For this accomplishment, such liberal Democrats as STEWART UDALL, of Arizona; FRANK THOMPSON, of New Jersey; EDITH GREEN, of Oregon; CARL ELLIOTT, of Alabama; and Republican ROBERT P. GRIFFIN, of Michigan, deserve praise.

The farcical non-Communist affidavit for employers in the Senate bill has been deleted; instead proven Communists are barred from holding union office. A loophole in the



Taft-Hartley Act has been closed; the House committee would permit employees on strike to vote in NLRB elections. Common-law rights of union members to an accounting of how dues are spent have been spelled out. Fundamental membership rights have been clarified, and in so doing the Labor Committee has recognized that so long as there is a closed shop, unions—unlike other self-governing voluntary associations—are tinged with the public interest and must be held accountable to the community in a special way.

But has the House committee written a prescription for what ails the patients—the patients being both the community and those union members victimized by venal, undemocratic, or manhandling officials? Certainly it has produced no sure-cure, but then high-mindedness and respect for democratic procedures in unions, as elsewhere, can only be partially encouraged by legislation. Still, Mr. Hoffa has reason to dislike what has been done. If the bill passes, no convicted felon may hold union office within 5 years after his conviction, which would have some effect on the Teamster hierarchy. The bill's outlawing of contractual agreements between unions and management permitting the union to carry struck "hot cargo" will also hurt Mr. Hoffa. Considerable Teamster authority, not only over local businesses but over other local unions, has derived from the Teamsters' power to break or make strikes of other unions by carrying or not carrying struck merchandise. The effect of this section is to isolate the Teamsters more completely.

And in the long run, Teamster members themselves may benefit from those parts of the House bill which detail rights of members to regular election, to fair nominating procedures, to secret ballots, and an honest count of those ballots. They may still vote for Jimmy Hoffa, but, if the whole Congress now acts as responsibly as has the House Labor Committee, they will have new and safer opportunities to register a contrary preference.

#### EXECUTIVE PREROGATIVE

(Mr. MONAGAN asked and was given permission to extend his remarks in the body of the RECORD.)

Mr. MONAGAN. Mr. Speaker, if the recent Hardy committee hearings have emphasized anything, it is the fact that executive departments, particularly the State Department and the ICA, have shown a stubborn reluctance to turn over to this important congressional subcommittee documents which the committee required in order to do a proper job of investigation in the field of economic foreign aid.

The recent investigation of this subject by the Hardy committee culminated in its widely read report on Laos. Because of its factual presentation and temperate tone, this report has been universally accepted as an important document and a fertile source of information about the mistakes and deficiencies in the operation of our foreign aid program.

The failure of these executive departments to cooperate has possibly meant that negligence and corruption in the operation of this program have been concealed. This attitude certainly interfered with the capacity of the committee to carry on a proper investigation.

Through the efforts of the gentleman from Virginia [Mr. HARDY], the House has twice this year—first in the mutual

security authorization bill and secondly in the mutual security appropriations bill—inserted a provision requiring that documents vital to an investigation of the International Cooperation Administration be furnished to the General Accounting Office and to any authorized committee of Congress.

It is unfortunate that the President saw fit in signing the authorization bill to construe this congressional requirement in a manner calculated to frustrate its purpose. I feel strongly that the President was ill advised in this action and I hope that the vote of the House yesterday which again included the Hardy provision in the appropriations bill will on further consideration commend to the President a change of opinion.

In urging his reconsideration of this question, I find strong support in an editorial of the Washington Post dated July 28, 1959, which I append herewith:

#### EXECUTIVE PREROGATIVE

President Eisenhower was badly advised in his statement putting his own construction on the meaning of the Hardy amendment to the Mutual Security Act. Congress is as well aware as the President that legislation cannot alter the constitutional duties of the Executive with respect to the disclosure of information, documents and other materials, and it is hardly in need of a lecture on the subject. It also is aware, however, that the Executive cannot alter the constitutional duties of Congress.

"The information amendment states that upon request: All documents, papers, communications, audits, reviews, findings, recommendations, reports, and other material which relate to the operation or activities of the International Cooperation Administration shall be furnished to the General Accounting Office and to any committee of the Congress, or any duly authorized subcommittee thereof."

The language is similar to that in the act creating the General Accounting Office. It seems to be an appropriate exercise of the right of the legislative branch to make sure that the purposes of the legislature are carried out and that the money is wisely and honestly disbursed. Some of the information so far made available to Congress certainly justifies anxiety with reference to the handling of these moneys. Those entirely sympathetic with the objectives of the program have been rightly distressed at evidences of laxity and maladministration.

These are not matters about which Congress can be wholly indifferent, trusting blindly and implicitly in the good faith and performance of executive departments. If there is a nonreviewable, nonjusticiable power in the Executive to refuse all information it wishes to withhold, Congress might as well shut up shop.

Just where the line can be drawn has always been a matter of some political pulling and hauling. The courts never have ruled on the matter. Whatever the precise meaning of the Constitution, and whatever the exact rights of the Executive, the early Presidents, while often arguing the existence of an executive privilege, generally gave Congress what it sought. Although President Washington was unhappy at the way in which the House sought papers on the tragic St. Clair expedition, he sent up all the matter at hand as Douglas Freeman notes:

"Washington had learned long previously the protective value of candor in dealing with the American people and he knew that one reason for their trust in him was their belief he would tell them the whole truth."

The wisest Presidents have imitated such candor, particularly in dealing with situations in which irregularities were feared.

#### MUTUAL SECURITY APPROPRIATIONS

(Mr. CHIPERFIELD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CHIPERFIELD. Mr. Speaker, I favor the passage of H.R. 8385, appropriating funds for the mutual security program. As I have said on many occasions, I believe it is the most practical way of maintaining peace. The continuation of this program is of transcending importance not only to the security and welfare of the United States, but also is essential to the strengthening of the nations of the free world.

Let us review the situation. As has been pointed out, the Foreign Affairs Committee spent 11 weeks in hearings covering some 2,000 pages, held 44 meetings and heard 90 witnesses. After the most careful consideration the committee cut the President's request \$266,800,000. The committee cut military assistance \$160 million, defense support \$35 million, special assistance \$21,800,000, and the President's contingency fund \$100 million.

In my judgment the cuts for the military assistance program were entirely too severe, especially in view of the Draper committee's report which recommended \$400 million above the President's request for this program.

In any event when the bill was brought to the House we were able to sustain the committee's position, although desperate attempts were made to make further cuts and in some instances to handcuff and even destroy the program.

When the bill went to conference with the Senate, as one of the conferees of the House I am proud to report, we were able to maintain the House position and ended up with \$13,600,000 above the House figures. However, there were some adjustments which is natural in a conference and unfortunately the military assistance program was cut \$40 million below the House figures.

Now we are asked to support this appropriation bill which would cut the President's request \$1,226,495,000. This is a further cut from the House figures of \$390,295,000. It is my belief we are weakening our own security and treading on very dangerous ground. To me these cuts seem unjustified and unwise.

However, since the House will sustain these cuts I am supporting this measure and hope when it goes to conference adjustments can be made which will provide for a sounder military defense, as well as allow us to carry out other phases of the program deleted by this bill which are so important in the economic field.

During the course of the debate there has been much criticism of the administration of the ICA. As a member of the Investigating Subcommittee of the Foreign Affairs Committee which held extensive hearings we made public many of the defects in the administration of the program mentioned during the debate.



As a result of these hearings and other testimony before the full committee many steps have been taken to tighten up the procurement part of the program. It established the office of Inspector General and Comptroller. This, I hope, will give adequate financial control and audit inspection. These steps should correct many of the abuses that crop up in a program of global scope.

### THE ARMY CHAPLAIN

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Speaker, on today the 184th anniversary of the Army Chaplaincy is being celebrated at camps, posts, and stations in the United States and in overseas areas where the U.S. Army is stationed.

This branch of service has been linked with the Army since the beginning of our Nation's history. Gen. George Washington issued the first call for American clergymen during the Revolutionary War. The Continental Congress, on July 29, 1775, gave first official recognition to the Army Chaplaincy when it passed a resolution setting the pay of chaplains at the modest sum of \$20 a month.

The Revolution, which began with a disordered system of volunteer preachers, closed with an organized system of brigade chaplains. The pay had advanced to that of a colonel. Article 4 of the original Rules and Articles of War, adopted September 20, 1776, referred to "every chaplain who is commissioned to a regiment, company, troop, or garrison." In addition to these types, the Continental Army had hospital chaplains, a German chaplain at large, a chaplain missionary to the friendly Indians, and one division chaplain at headquarters. The names of 179 clergymen who can properly be called chaplains have survived; about half were in the service of the Continental Congress. They included Congregationalists, Presbyterians, Anglicans, Baptists, Reformed Lutherans, the "father of universalism" John Murray, and a Canadian Roman Catholic, Louis Eustace Lotbiniere. (DA Pam 165-1, subject, "The American Army Chaplains," pp. 2 and 3.)

From that period to the present—the Army chaplain has marched, slept, eaten, and died along side his fellow soldier. When the size of the Army was increased the number of chaplains was increased—and when the size of the Army grew smaller the size of the chaplains branch in proportion declined.

In 1791 we are told, John Hunt of Virginia, a Protestant Episcopal priest, who had served as a regimental and brigade chaplain in the Revolution for more than 7 years and whom the British had held for a time as a prisoner of war, served as the only Army chaplain—continuing until 1794.

From this low of one clergyman on active duty, we rise to the heights of World War II when the Army Chaplaincy had 8,896 men in active service. These represented every major religion and denominational group and served in every area of warfare in which the Army was engaged. Eighteen of these chaplains were decorated with the Distinguished Service Cross for outstanding valor; 157 received the Silver Star; 106

received the Legion of Merit; 26 the Soldiers Medal; and over 1,200 the Bronze Star. A total of 78 were killed in action, 4 died in prison camps of the Japanese, and 264 others were wounded as a result of being in action on or near frontlines.

In May of 1948 a commemorative postage stamp was issued by our Post Office Department honoring those four chaplains aboard the SS *Dorchester* who gave up their life belts that 4 other men might live. Surely this is in the tradition of these "Soldiers of God," as the Army chaplains are known. This extract from the citation posthumously awarded the Distinguished Service Cross to the next of kin demonstrates the courage of these men and identifies them with their fellow chaplains, before and after, who made the supreme sacrifice \* \* \* "heroically and calmly moved about the deck encouraging the men and assisting them to abandon ship. After the available supply of life jackets was exhausted, he gave up his own. He remained aboard the ship and went down with it, offering words of encouragement to the last."

In 1920 the first Chief of Chaplains was designated to administer the affairs of the Army Chaplaincy. The present holder of that title is Maj. Gen. Frank A. Tobey, an American Baptist from Everett, Mass. Assisting him as deputy is Brig. Gen. William J. Moran, a Roman Catholic, from San Francisco, Calif. These men supervise the activities of approximately 1,200 Army chaplains who serve in all areas of the world where members of the Army are stationed. Not only do they serve as the spiritual counselor to the soldier, and his dependents, but they maintain a program of moral, ethical and religious training that reminds each person of his responsibility to his Maker, and enables him to fulfill his heritage as an American.

Chaplain Tobey, in his anniversary message to the men and women of the Army, reaffirmed this task:

Our forefathers laid the foundation of our country upon a firm belief in God and His providence. We must ever maintain this foundation to provide the spiritual bulwark against the atheistic concept that would destroy what we hold most dear. This must be done in every aspect of our national life—military—as elsewhere. It is with a rededication to this task that we Chaplains observe our anniversary, and we resolve that, with God's help, we shall continue to move forward.

The chaplains of the Army have a right to be proud of their heritage and for what they are doing now. We congratulate them upon their 184th anniversary and wish them God's richest blessings as they continue their most important work.

### THE NATIONAL DEBT

(Mr. BETTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETTS. Mr. Speaker, the recent debate on the debt limit brought forth the expressions of many on the national debt and how it can be reduced. Still

more pointed statements are found in the President's Cabinet Committee for Productive Growth and Economic Stability headed by Vice President Nixon. This study of the Nation's present economic outlook supplements the already sound views of the Eisenhower administration in its attempts to curb inflation and champion fiscal responsibility.

Such an expert evaluation of the Nation's economy is an honest treatment of an often politically hackneyed subject. Today we sow the seeds for economic health, prosperity, greater growth and stability; or we dig a grave of uncontrollable inflation, economic instability, and eventual subjugation to the Soviet economic offensive. We must therefore look squarely at our economic problems. As I see it there is an inter-relationship among budget balancing, inflation, and the national debt. The depreciation and decline of the American dollar is nurtured through the inflation that in part takes place when Government deficits continually cause increases in the Federal debt.

Many Members have indicated their belief that the Federal Government spends too much each year. We hear demands for balanced budgets and reduced expenditures from almost every part of the United States.

Nineteen of my colleagues have introduced resolutions in this body which are designed "to express the intent of Congress that each year not less than 1 percent of the currently outstanding debt should be retired." These resolutions, well documented by public endorsements, spell out the desire of Members on both sides of the aisle for coming to grips with the need to control and begin retirement of the national debt. I add my warm approval to their resolutions.

But two questions have been raised about their effectiveness. First, any amount paid on the debt can be offset by subsequent appropriations, and, second, a statute on the subject can be repealed by any Congress expressly or impliedly at any time.

The question is simply this: By what means can Congress be bound to a regulated program of debt reduction? The answer is difficult to attain. I have introduced a resolution for the adoption of a constitutional amendment which would meet the objections inherent in other less stringent measures. As part of the Constitution it could not be repealed or avoided by congressional legislation. The main provisions of the resolution are as follows:

First, it would require 2 percent of the gross income to be applied on the national debt.

Second, the debt could not be increased, except on the recommendation of the President and approval by two-thirds of each House. This would mean that the budget would have to be trimmed so that its proposals would not create obligations increasing the present debt, unless the President and two-thirds of the Congress felt otherwise. The Appropriations Committee would have to keep the total appropriations within the same limit and adjust all spending requests accordingly.



I see no middle ground on this question. The resolution I have introduced, proposing for the most difficult of all measures to receive passage, is a guideline to fiscal responsibility. I am offering this resolution in the hope that it might be given serious consideration in this important field. The following is a copy of the resolution:

JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROVIDING FOR SYSTEMATIC REDUCTION OF THE PUBLIC DEBT

*Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled (two-thirds of each House concurring therein).* That the following article is proposed as an amendment to the Constitution of the United States, and shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE

"SECTION 1. Two percent of the gross revenue of the United States for any fiscal year shall be applied to the national debt existing at the end of such fiscal year.

"SEC. 2. The term 'gross revenue' shall mean the total amount of revenue as determined by the Secretary of the Treasury, collected by the United States during such fiscal year as taxes or duties, other than—

"(A) amounts collected as taxes under chapter 2 (tax on self-employment income), chapter 21 (the Federal Insurance Contributions Act), chapter 22 (the Railroad Retirement Tax Act), and chapter 23 (the Federal Unemployment Tax Act) of the Internal Revenue Code of 1954; and

"(B) amounts collected under any tax or duty to the extent that the amounts collected under such tax or duty (or that amounts equal to the amounts collected) are specifically appropriated by law enacted prior to the date of the enactment of this amendment.

"SEC. 3. The provisions of this amendment may be suspended and the national debt increased during any fiscal year only upon recommendation of the President and concurrence in such recommendation of two-thirds of the Members of each House of Congress.

"SEC. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

DULLES INTERNATIONAL AIRPORT APPROPRIATION

The SPEAKER. Under the previous order of the House, the gentleman from Ohio [Mr. BOW] is recognized for 30 minutes.

(Mr. BOW asked and was given permission to revise and extend his remarks.)

Mr. BOW. Mr. Speaker, a new kind of backdoor approach to the U.S. Treasury is being used in connection with the construction of Dulles International Airport.

A new low has been reached in pressure tactics to saddle the taxpayers of the Nation with costs that should be met by local communities.

Fairfax County and the District of Columbia are trying to use funds appropriated for the new international airport to subsidize part of a northern Virginia sewage disposal scheme.

I believe in States rights but not the right to dip into the Federal Treasury for local benefit.

Up to \$25 million of the taxpayers' hard-earned money would be used unnecessarily in a project that has not been properly planned, is not needed, has little if any connection with the airport, and has never been considered by the legislative committees responsible for public works or the District of Columbia.

This effort, charged with confusion and emotional factors, is delaying the construction of the new airport, a facility vitally needed by all who have business in the Nation's Capital.

I object strenuously, and I feel this is an issue of sufficient importance to justify a full discussion in the Congress.

Here are the facts.

Dulles International Airport is being constructed in a rural area of Fairfax and Loudoun Counties, Va. Almost 10,000 acres are being purchased by the United States for this purpose. There is no public sewage facility in the area that can handle the wastes that will be generated at the airport. However, there is every reason to believe that location of the airport in this area will result in residential and commercial development so that within 5 to 10 years the counties and towns will need and will be able to develop a regional sewage disposal and treatment system which will be able to take care of the airport. Our problem is to provide a method of airport waste disposal at the least possible cost to serve for this interim period of 5 to 10 years.

RECOMMENDED PLAN

The very capable engineers employed by the Federal Aviation Agency have studied a great many solutions to the problem outlined. There have been many consultations with officials of Fairfax and Loudoun Counties and with others whose interest is not as readily identified.

Burns & McDonnell, the engineering firm employed by FAA, recommended a proposal for a sewage treatment plant to be located on the airport itself, the effluent of which, purer than the normal quality of water in the Potomac River above all water intakes, would enter the Potomac some 20 miles above the District waterworks intake.

Burns & McDonnell devised an elaborate plan of primary treatment, oxidation ponds each 18 acres in size, sand filters and chlorination, adequate to take care of any possible airport demand in the next 10 years, to provide an effluent that would be, and I quote the engineers' report, "of much higher quality than required by the Virginia Water Control Board." Again quoting the engineers' report:

The plant would assure an effluent at all times which would be purer than the normal quality of water in the Potomac River above all waterworks intakes.

This would cost \$750,000.

Congress appropriated this amount and we had every reason to believe that FAA would go ahead with the work in fiscal 1959.

FAA SUCCEDES TO LOCAL PRESSURES

Unfortunately, FAA did not go ahead with the sewage treatment plant recommended by its engineers and approved by the Congress.

Local interests began applying pressure and FAA succumbed. To my surprise, the requests for the supplemental appropriation bill of 1960 included an additional \$2,450,000 for sewage facilities at the airport. There was testimony that this, together with the \$750,000 previously appropriated, would be used to construct a line to carry airport waste some 22 miles through the Virginia countryside and across the river into the District of Columbia system where it would be treated at Blue Plains.

Further study showed that this was only a guess by the engineers, in response to a telegraphic request from FAA. We learned also that the engineers' report included a recommendation for a \$22,065,000 pipeline into the District, 83 percent of which would later be used in a permanent Fairfax County sewage system for the airport area.

I have a strong suspicion, amounting almost to a conviction, that approval of the \$3,200,000 request would not satisfy the local interests and that we would eventually find ourselves committed to the \$22,065,000 proposal which the engineers, themselves, advance as a compromise with local pressure that cannot be justified. The engineering report refers to this proposal as "abnormal, premature, unrealistic, and unfeasible."

The Appropriations Committee rejected the proposal.

This subject was thoroughly discussed in the House June 30 when the gentleman from Virginia [Mr. BROYHILL] proposed an amendment to add these funds to the supplemental bill. That amendment was defeated. The House insisted upon the \$750,000 facility previously approved.

THE HEAT IS ON CONGRESS

Then followed a series of radio programs, newspaper articles and editorials and an appeal to the other body in which an effort was made to generate emotional response on the basis that sewage would be deposited in an already polluted river; that it would make District water smell like a Maryland pigpen; that it was in violation of agreements between Virginia, Maryland, and the District; that it would set a harmful precedent.

Every one of these statements can be repudiated and I will do so this afternoon.

First, however, let me discuss motives.

The District Director of Sanitary Engineering, Mr. David V. Auld, is quoted as saying that "we could live with this project."

We could live with this project. It would not contribute one iota to the pollution of the Potomac.

The real motives for opposition to the treatment plant lie elsewhere.

They lie in the desire of Fairfax County authorities, and their allies in other communities including Mr. Auld, to get a Federal subsidy for Fairfax sewage systems.



86TH CONGRESS  
1ST SESSION

# H. R. 8385

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IN THE SENATE OF THE UNITED STATES

JULY 29, 1959

Read twice and referred to the Committee on Appropriations

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## AN ACT

Making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That the following sums are appropriated, out of any money  
4        in the Treasury not otherwise appropriated, for the fiscal  
5        year ending June 30, 1960, namely:

6                    TITLE I—MUTUAL SECURITY

7                    FUNDS APPROPRIATED TO THE PRESIDENT

8            For expenses necessary to enable the President to carry  
9        out the provisions of the Mutual Security Act of 1954, as



1 amended, to remain available until June 30, 1960 unless  
2 otherwise specified herein, as follows:

3 Military assistance: For assistance authorized by section  
4 103 (a) to carry out the purposes of chapter I (including  
5 administrative expenses as authorized by section 103 (b),  
6 which shall not exceed \$25,000,000 for the fiscal year  
7 1960, and purchase for replacement only of passenger motor  
8 vehicles for use abroad), \$1,300,000,000;

9 Defense support: For assistance authorized by section  
10 131 (b), \$700,000,000;

11 Development Loan Fund: For advances to the Devel-  
12 opment Loan Fund as authorized by section 203, \$550,000,-  
13 000, to remain available until expended;

14 Technical cooperation, general authorization: For assist-  
15 ance authorized by section 304, \$150,000,000;

16 United Nations expanded program of technical assist-  
17 ance and related fund: For contributions authorized by sec-  
18 tion 306 (a), \$30,000,000;

19 Technical cooperation programs of the Organization of  
20 American States: For contributions authorized by section  
21 306 (b), \$1,500,000;

22 Special assistance, general authorization: For assistance  
23 authorized by section 400 (a), \$200,000,000;

24 Intergovernmental Committee for European Migration:  
25 For contributions authorized by section 405 (a), \$8,000,000:



1 *Provided*, That no funds appropriated in this Act shall be  
2 used to assist directly in the migration to any nation in the  
3 Western Hemisphere of any person not having a security  
4 clearance based on reasonable standards to insure against  
5 Communist infiltration in the Western Hemisphere;

6 Program of United Nations High Commissioner for  
7 Refugees: For contributions authorized by section 405 (c),  
8 \$1,100,000;

9 Escapee program: For assistance authorized by section  
10 405 (d), \$5,200,000;

11 United Nations Children's Fund: For contributions au-  
12 thorized by section 406, \$12,000,000;

13 United Nations Relief and Works Agency: For contribu-  
14 tions and expenditures authorized by section 407, \$25,000,-  
15 000;

16 Ocean freight charges, United States voluntary relief  
17 agencies: For payments authorized by section 409 (c),  
18 \$2,300,000;

19 General administrative expenses: For expenses author-  
20 ized by section 411 (b), \$37,000,000;

21 Atoms for peace: For assistance authorized by section  
22 419, \$1,500,000;

23 President's Special Authority and Contingency Fund:  
24 For assistance authorized by section 451 (b), \$155,000,000.

25 Unobligated balances of funds heretofore made available



1 under authority of the Mutual Security Act of 1954, as  
2 amended, and available as of June 30, 1959, are, except as  
3 otherwise provided, hereby continued available for the fiscal  
4 year 1960, for the same general purposes for which appro-  
5 priated.

6 Funds appropriated under each paragraph of this Act  
7 (other than appropriations under the head of military assist-  
8 ance), including unobligated balances continued available,  
9 and amounts certified pursuant to section 1311 of the Sup-  
10 plemental Appropriation Act, 1955, as having been obli-  
11 gated against appropriations heretofore made for the same  
12 general purpose as such paragraph, which amounts are  
13 hereby continued available (except as may otherwise be spec-  
14 ified in this Act) for the same period as the respective ap-  
15 propriations in this Act for the same general purpose, may  
16 be consolidated in one account for each paragraph.

17 DEPARTMENT OF STATE

18 Administrative expenses: For expenses of the Depart-  
19 ment of State as authorized by section 411 (c) of the Mutual  
20 Security Act of 1954, as amended, \$7,900,000.

21 CORPORATION

22 The Development Loan Fund is hereby authorized to  
23 make such expenditures within the limits of funds available  
24 to it, and in accord with law, and to make such contracts and



1 commitments without regard to fiscal year limitations as  
2 provided in section 104 of the Government Corporation Con-  
3 trol Act, as amended, as may be necessary in carrying out  
4 the programs set forth in the budget for the fiscal year  
5 1960 for such corporation, except as hereinafter provided:

6      LIMITATION ON ADMINISTRATIVE EXPENSES, DEVELOP-  
7                          MENT LOAN FUND

8        Not to exceed \$1,750,000 of the funds of the Devel-  
9        opment Loan Fund shall be available during the fiscal year  
10       1960 for administrative expenses of the Fund covering the  
11       categories set forth in the fiscal year 1960 budget estimates  
12       for such expenses.

13 GENERAL PROVISIONS

14        SEC. 102. No part of any appropriation contained in  
15    this Act shall be used for publicity or propaganda purposes  
16    within the United States not heretofore authorized by the  
17    Congress.

SEC. 103. None of the funds herein appropriated for  
Defense Support, the Development Loan Fund, Special As-  
sistance or the President's Special Authority and Contin-  
gency Fund shall be used to finance nonmilitary programs  
or projects which have not met the standards and criteria  
used in determining the feasibility of flood control, reclama-  
tion and other water and related land resource programs and

1 projects proposed for construction within the continental  
2 limits of the United States of America as per circular A-47  
3 of the Bureau of the Budget, dated December 31, 1952.

4 SEC. 104. Payments made from funds appropriated  
5 herein for engineering and architectural fees and services  
6 to any individual or group of engineering and architectural  
7 firms on any one project in excess of \$25,000 shall be  
8 reported to the Committee on Appropriations of the Senate  
9 and House of Representatives at least twice annually.

10 SEC. 105. Except for the appropriations entitled "Presi-  
11 dent's special authority and contingency fund" and "Devel-  
12 opment Loan Fund", not more than 20 per centum of any  
13 appropriation item made available by this Act shall be obli-  
14 gated and/or reserved during the last month of availability.

15 SEC. 106. The appropriations and authority with respect  
16 thereto in this Act shall be available from July 1, 1959,  
17 for the purposes provided in such appropriations and author-  
18 ity. All obligations incurred during the period between  
19 June 30, 1959, and the date of enactment of this Act in  
20 anticipation of such appropriations and authority are hereby  
21 ratified and confirmed if in accordance with the terms hereof.

22 SEC. 107. None of the funds provided by this Act  
23 nor any of the counterpart funds generated as a result  
24 of assistance under this Act or any prior Act shall be used  
25 to pay pensions, annuities, retirement pay or adjusted service



1 compensation for any persons heretofore or hereafter serving  
2 in the armed forces of any recipient country.

3 SEC. 108. None of the funds herein appropriated shall  
4 be used to carry out the provisions of Section 205 (1) of  
5 the Mutual Security Act of 1959.

6 SEC. 109. None of the funds herein appropriated shall  
7 be used to carry out the provisions of Section 401 (b) of  
8 the Mutual Security Act of 1959.

9 SEC. 110. None of the funds herein appropriated shall  
10 be used to carry out the provisions of Section 501 of the  
11 Mutual Security Act of 1959.

12 SEC. 111. None of the funds herein appropriated shall  
13 be used to carry out the provisions of Chapter VI of the  
14 Mutual Security Act of 1959.

15 SEC. 112. None of the funds contained in this title  
16 may be used to enter into a contract with any person,  
17 organization, company, or concern or any of its affiliates,  
18 who has offered or who offers to provide compensation  
19 to an employee of the International Cooperation Admin-  
20 istration or who provides compensation to any former em-  
21 ployee of the International Cooperation Administration  
22 who has left employment with International Cooperation  
23 Administration within two years from the date of employ-  
24 ment with said person, organization, company, or concern  
25 or any of its affiliates.

1        SEC. 113. None of the funds herein appropriated shall  
2    be used to carry out any provision of chapter II, III, or IV  
3    of the Mutual Security Act of 1954, as amended, during any  
4    period when more than twenty days have elapsed between  
5    the request for, and the furnishing of, any document, paper,  
6    communication, audit, review, finding, recommendation, re-  
7    port, or other material relating to the administration of such  
8    provision by the International Cooperation Administration,  
9    to the General Accounting Office or any Committee of the  
10   Congress, or any duly authorized Subcommittee thereof,  
11   charged with considering legislation or appropriation for or  
12   expenditures of the International Cooperation Administration  
13   and the Department of State.

14 TITLE II—DEPARTMENT OF THE ARMY—CIVIL  
15 FUNCTIONS

16 RYUKYU ISLANDS, ARMY

## 17 ADMINISTRATION

18 For expenses, not otherwise provided for, necessary to  
19 meet the responsibilities and obligations of the United States  
20 in connection with the government of the Ryukyu Islands,  
21 including, subject to such authorizations and limitations as  
22 may be prescribed by the Secretary of the Army, tuition,  
23 travel expenses, and fees incident to instruction in the United  
24 States or elsewhere of such persons as may be required to  
25 carry out the provisions of this appropriation; travel expenses



1 and transportation; services as authorized by section 15 of  
2 the Act of August 2, 1946 (5 U.S.C. 55a), of individuals  
3 not to exceed ten in number; not to exceed \$3,000 for con-  
4 tingencies for the High Commissioner, to be expended in his  
5 discretion; translation rights, photographic work, educational  
6 exhibits, and dissemination of information, including preview  
7 and review expenses incident thereto; hire of passenger  
8 motor vehicles and aircraft; purchase of three passenger  
9 motor vehicles for replacement only; construction, repair,  
10 and maintenance of buildings, utilities, facilities, and appurte-  
11 nances; and such supplies, commodities, and equipment as  
12 may be essential to carry out the purposes of this appropria-  
13 tion; \$5,282,000, of which not to exceed \$1,633,000 shall be  
14 available for administrative and information expenses: *Pro-*  
15 *vided*, That the general provisions of the Appropriation Act for  
16 the current fiscal year for the military functions of the Depart-  
17 ment of the Army shall apply to expenditures made from this  
18 appropriation: *Provided further*, That expenditures from  
19 this appropriation may be made outside continental United  
20 States when necessary to carry out its purposes, without re-  
21 gard to sections 355, 3648, and 3734, Revised Statutes, as  
22 amended, section 4774 (d) of title 10, United States Code,  
23 civil service or classification laws, or provisions of law pro-  
24 hibiting payment of any person not a citizen of the United  
25 States: *Provided further*, That expenditures may be made

1 hereunder for the purposes of economic rehabilitation in the  
2 Ryukyu Islands in such manner as to be consistent with the  
3 general objectives of titles II and III of the Mutual Security  
4 Act of 1954, and in the manner authorized by sections 505  
5 (a) and 522 (e) thereof: *Provided further*, That funds ap-  
6 propriated hereunder may be used, insofar as practicable, and  
7 under such rules and regulations as may be prescribed by the  
8 Secretary of the Army to pay ocean transportation charges  
9 from United States ports, including Territorial ports, to ports  
10 in the Ryukyus for the movement of supplies donated to, or  
11 purchased by, United States voluntary nonprofit relief agen-  
12 cies registered with and recommended by the Advisory Com-  
13 mittee on Voluntary Foreign Aid or of relief packages con-  
14 signed to individuals residing in such areas: *Provided fur-*  
15 *ther*, That under the rules and regulations to be prescribed,  
16 the Secretary of the Army shall fix and pay a uniform rate  
17 per pound for the ocean transportation of all relief packages  
18 of food or other general classification of commodities shipped  
19 to the Ryukyus regardless of methods of shipment and higher  
20 rates charged by particular agencies of transportation, but  
21 this proviso shall not apply to shipments made by individuals  
22 to individuals: *Provided further*, That the President may  
23 transfer to any other department or agency any function or  
24 functions provided for under this appropriation, and there  
25 shall be transferred to any such department or agency with-



1 out reimbursement and without regard to the appropriation  
2 from which procured, such property as the Director of the  
3 Bureau of the Budget shall determine to relate primarily to  
4 any function or functions so transferred.

5 TITLE III—EXPORT-IMPORT BANK OF  
6 WASHINGTON

7 The Export-Import Bank of Washington is hereby  
8 authorized to make such expenditures within the limits of  
9 funds and borrowing authority available to such corporation,  
10 and in accord with law, and to make such contracts and  
11 commitments without regard to fiscal year limitations as  
12 provided by section 104 of the Government Corporation  
13 Control Act, as amended, as may be necessary in carrying out  
14 the programs set forth in the budget for the fiscal year  
15 1960 for such corporation, except as hereinafter provided:

16 LIMITATION ON ADMINISTRATIVE EXPENSES, EXPORT-  
17 IMPORT BANK OF WASHINGTON

18 Not to exceed \$2,500,000 (to be computed on an  
19 accrual basis) of the funds of the Export-Import Bank  
20 of Washington shall be available during the current fiscal  
21 year for administrative expenses of the Bank, including  
22 services as authorized by section 15 of the Act of August 2,  
23 1946 (5 U.S.C. 55a), at rates not to exceed \$75 per diem  
24 for individuals, and not to exceed \$9,000 for entertainment  
25 allowances for members of the Board of Directors when

1 specifically authorized by the Chairman of the Board; and,  
2 in addition, not to exceed the equivalent of \$200,000 of  
3 the aggregate amount of foreign currencies made available  
4 to the Export-Import Bank for loans pursuant to the Agri-  
5 cultural Trade Development and Assistance Act of 1954, as  
6 amended, shall be available during the current fiscal year  
7 for expenses incurred by the Export-Import Bank incident  
8 to such loans: *Provided*, That fees or dues to international  
9 organizations of credit institutions engaged in financing  
10 foreign trade and necessary expenses (including special  
11 services performed on a contract or fee basis, but not  
12 including other personal services) in connection with the  
13 acquisition, operation, maintenance, improvement, or dis-  
14 position of any real or personal property belonging to the  
15 Bank or in which it has an interest, including expenses of  
16 collections of pledged collateral, or the investigation or  
17 appraisal of any property in respect to which an application  
18 for a loan has been made, shall be considered as nonadmin-  
19 istrative expenses for the purposes hereof.

20 This Act may be cited as the "Mutual Security Appro-  
21 priation Act, 1960".

Passed the House of Representatives July 29, 1959.

Attest:

RALPH R. ROBERTS,

*Clerk.*





86TH CONGRESS  
1ST SESSION

H. R. 8385

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## AN ACT

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Making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

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JULY 29, 1959

Read twice and referred to the Committee on  
Appropriations









Sept 8, 1959

resolution providing that on Thurs. or during the remainder of the week, it would be in order for the Speaker to entertain motions to suspend the rules (p. 17043).

SENATE

10. HOUSING. The Banking and Currency Committee reported an original bill S. 2654, to extend and amend laws relating to the provision and improvement of housing (S. Rept. 924). p. 16971
11. MUTUAL SECURITY APPROPRIATION BILL, 1960. The Appropriations Committee reported with amendments this bill, H. R. 8385 (S. Rept. 981). The Committee had voted to report the bill earlier. p. D888
12. RESEARCH. Sen. Stennis urged enactment of S. 690, the industrial-uses research bill, stating that "This proposed legislation offers a unique approach for bringing about proper balance in research and independent program appraisal, and will work toward improving research administration and strengthening the over-all research effort." p. 16977
13. INTEREST RATES. By a vote of 86 to 1, passed with amendment H. R. 9035, to permit the issuance of series E and H United States savings bonds at interest rates above the existing maximum, and to permit the Secretary of the Treasury to designate certain exchanges of Government securities to be made without recognition of gain or loss (pp. 16962-8, 16980-4, 16995-17030, 17034-41, 17114-22). By a vote of 45 to 41, agreed to an amendment by Sen. Anderson limiting the rate to which the interest rate on these bonds may be raised to 4½ percent (pp. 17026-30, 17034-41, 17114-21).
14. PATENTS; PLANTS. The Judiciary Committee reported without amendment S. 1447, to amend Sec. 161, title 35, U. S. Code, with respect to patents for plants so as to eliminate the exclusion of tuber propagated plants from being patented (S. Rept. 932). p. 16970
15. WATER RESOURCES. The Public Works Committee reported with amendments S. 2628, to establish a U. S. Study Commission on the Development of the Rivers, Ports, and Drainage Basin (and intervening areas) of Alaska (S. Rept. 979). p. 16970
16. MINERALS; LANDS. The Interior and Insular Affairs Committee reported without amendment S. 1537, to establish a national mining and minerals policy (S. Rept. 967) (p. 16971); and H. Con. Res. 177, requesting the President to have reviews made, and to report to Congress, on the more effective use of Government programs in increasing production and employment in critically depressed mining and mineral industries affecting public and other lands (S. Rept. 968) (p. 16970).
17. INSPECTION SERVICES; IMPORTS. The Foreign Relations Committee reported without amendment S. 2531, to authorize the construction of a toll bridge across the Rio Grande near Los Indios, Tex. (S. Rept. 930), and S. 2590, to authorize the construction of a toll bridge across the Rio Grande, at or near Rio Grande City, Tex. (S. Rept. 930). Both of these bills would affect this Department's inspection service costs regarding imports. p. 16971
18. FARM PROGRAM. Sen. Symington inserted an editorial, "The Farmer Is Still An Important Citizen," and stated that the editorial "contains a thoughtful discussion of the role of the farmer in the changing American economy. It points out the important role the farmer has played in our economic development in the past, and the important role he should play in the future." pp. 16991-2

19. APPROPRIATIONS; ACCOUNTING. Sen. Magnuson urged the enactment of legislation to authorize separate sessions of Congress and which would "(1) provide for a regular annual fiscal session to be separate from the session on all legislative matters; (2) establish the calendar year as the Government's fiscal year; and (3) provide Federal accounting procedures which would insure a business-like appraisal of the Government's fiscal position in the light of the President's annual budget," and inserted a statement he had prepared and an editorial discussing the proposal. pp. 16973-6
20. CONSERVATION. Sen. Humphrey inserted and discussed an editorial urging the establishment of a Youth Conservation Corps to aid in the conservation of natural resources. pp. 17137-8
21. WATER RIGHTS. Sen. Allott discussed the rights of States and the Federal Government to water resources, and urged the enactment of legislation to restore to the States "the security of their investment in a billion-dollar water development," and inserted several items regarding State rights to water. pp. 17140-4
22. ELECTRIFICATION; IRRIGATION. Sen. Murray inserted an editorial discussing the prospects of Congress next year approving the construction of the Yellowtail Dam, Mont. pp. 16989-90
23. LEGISLATIVE PROGRAM. Sen. Johnson announced that the Calendar will be called today (Sept. 9) followed by consideration of S. 2654, the new housing Bill, and that H. R. 8385, the mutual security appropriation bill, will probably be considered Sat. and Mon. He stated that the following bills have been cleared by the majority policy committee for consideration: H. R. 8305, amendments to Credit Union Act; H. R. 5752, time off for holidays falling on Sat.; H. R. 8599, increase in Small Business Administration revolving fund; S. J. Res. 121, conveyance of land to La. State Univ.; S. 1013, donation of surplus property for cooperative extension work; H. R. 3610, increased grants for water pollution control; S. 910, payments in lieu of taxes to local governments; H. R. 7476, extension of air pollution control; H. R. 6059, Federal Group Life Insurance Act amendments; and S. 2168, serving of oleomargarine in the Navy (pp. 17030-2). He stated that he believed Congress would not adjourn before the early part of next week "at the earliest" (p. 17033).

#### ITEMS IN APPENDIX

24. FARM PROGRAM. Sen. Young, N. Dak., commended and inserted a statement sent by Robert M. Harriess to the agriculture committees, "Destroy Agriculture and Destroy America." pp. A7827-8  
Rep. Budge inserted an article, "GOP May Recoup Losses In Farm Area." pp. A7847-8  
Rep. Conte commended and inserted an article, "Don't Underestimate the Farmers." pp. A7857
25. COTTON. Extension of remarks of Sen. Thurmond inserting an editorial, "An Illogical Cotton Program," and stating that "it urges approval by the administration of the petition which has been filed by the National Cotton Council under section 22 of the Agricultural Adjustment Act of 1938, as amended." pp. A7828-9
26. APPROPRIATIONS. Extension of remarks of Sen. Neuberger inserting an editorial which states that the President's veto of the public works appropriation bill affects more adversely the Pacific Northwest region and that the veto is



MUTUAL SECURITY AND RELATED AGENCIES  
APPROPRIATION BILL, 1960

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SEPTEMBER 8 (legislative day, SEPTEMBER 5), 1959.—Ordered to be printed  
Filed under authority of the order of the Senate of May 21, 1959

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Mr. HAYDEN, from the Committee on Appropriations, submitted the  
following

## R E P O R T

[To accompany H.R. 8385]

The Committee on Appropriations, to whom was referred the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, report the same to the Senate with various amendments and present herewith information relative to the changes made.

|                                                                                                         |                         |
|---------------------------------------------------------------------------------------------------------|-------------------------|
| Amount of bill as passed House.....                                                                     | \$3, 191, 782, 000      |
| Amount of increase by Senate committee.....                                                             | 499, 487, 508           |
| Amount of bill as reported to the Senate....                                                            | <u>3, 691, 269, 508</u> |
| Amount of estimates, 1960:                                                                              |                         |
| Title I—Mutual security program.....                                                                    | 4, 429, 995, 000        |
| Titles II and III—Related agencies.....                                                                 | 6, 282, 000             |
| Titles IV and V (unrelated to the mutual security bill, submitted in S. Docs. 47, 48, 49, —, and —..... | 387, 883, 508           |
| Total estimates, 1960.....                                                                              | <u>4, 824, 160, 508</u> |

The bill as reported to the Senate:

Under the estimates for 1960:

Title I—Mutual security program----- \$1, 148, 182, 000  
Titles II and III—Related agencies----- +17, 000, 000  
Titles IV and V----- -1, 709, 000  
Total----- -1, 132, 891, 000

|                                                             | Budget estimate    | Recommended<br>by House | Recommended<br>by Senate com-<br>mittee | Increase (+)<br>or decrease (-),<br>Senate bill com-<br>pared to esti-<br>mate | Increase (+)<br>or decrease (-),<br>Senate bill com-<br>pared to House<br>bill |
|-------------------------------------------------------------|--------------------|-------------------------|-----------------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Mutual security program-----                                | \$4, 429, 995, 000 | \$3, 186, 500, 000      | \$3, 281, 813, 000                      | -\$1, 148, 182, 000                                                            | +\$95, 313, 000                                                                |
| Ryukyu Islands-----                                         | 6, 282, 000        | 5, 282, 000             | 23, 282, 000                            | +17, 000, 000                                                                  | +18, 000, 000                                                                  |
| Export-Import Bank (administrative expense limitation)----- | (2, 500, 000)      | (2, 500, 000)           | (2, 500, 000)                           | -----                                                                          | -----                                                                          |
| Additional supplemental appropriations-----                 | 387, 499, 000      | -----                   | 385, 790, 000                           | -1, 709, 000                                                                   | +385, 790, 000                                                                 |
| Claims for damages and judgments-----                       | 384, 508           | -----                   | 384, 508                                | -----                                                                          | +384, 508                                                                      |
| Total-----                                                  | 4, 824, 160, 508   | 3, 191, 782, 000        | 3, 691, 269, 508                        | -1, 132, 891, 000                                                              | +499, 487, 508                                                                 |



## TITLE I—MUTUAL SECURITY

The following tabulation summarizes the action of the committee on the major items of the mutual security program. A detailed comparison will be found at the end of the report.

|                            | Budget estimate | Recommended<br>by House | Recommended<br>by Senate com-<br>mittee | Increase (+)<br>or decrease (-),<br>Senate bill com-<br>pared to est-<br>imate | Increase (+)<br>or decrease (-),<br>Senate bill com-<br>pared to House<br>bill |
|----------------------------|-----------------|-------------------------|-----------------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Military assistance.....   | \$1,600,000,000 | \$1,300,000,000         | \$1,300,000,000                         | -\$300,000,000                                                                 | -----                                                                          |
| Defense support.....       | 835,000,000     | 700,000,000             | 700,000,000                             | -135,000,000                                                                   | -----                                                                          |
| Development Loan Fund..... | 1 1,200,000,000 | 550,000,000             | 590,000,000                             | -610,000,000                                                                   | +\$40,000,000                                                                  |
| Technical cooperation..... | 211,000,000     | 181,500,000             | 191,200,000                             | -19,800,000                                                                    | +9,700,000                                                                     |
| Special assistance.....    | 271,800,000     | 200,000,000             | 245,000,000                             | -26,800,000                                                                    | +45,000,000                                                                    |
| Other programs.....        | 112,195,000     | 100,000,000             | 100,613,000                             | -11,582,000                                                                    | +613,000                                                                       |
| Contingency fund.....      | 200,000,000     | 155,000,000             | 155,000,000                             | -45,000,000                                                                    | -----                                                                          |
| Total.....                 | 1 4,429,995,000 | 3,186,500,000           | 3,281,813,000                           | -1,148,182,000                                                                 | +95,313,000                                                                    |

<sup>1</sup> Includes \$500,000,000 for fiscal year 1961 program.

## MILITARY ASSISTANCE

The committee recommends an appropriation of \$1,300,000,000 for this item. The Mutual Security Act of 1959 authorized the appropriation of \$1,400,000,000 in new obligational authority for military assistance. The committee recommendation is a reduction of \$300,000,000 from the budget request and a reduction of \$100,000,000 from the amount authorized. It is the amount recommended by the House bill.

The budget request for military assistance was \$1,600,000,000. The following table shows the proposed distribution by area:

|                               |                 |
|-------------------------------|-----------------|
| Europe-----                   | \$477, 152, 000 |
| Africa-----                   | 7, 379, 000     |
| Near East and south Asia----- | 411, 988, 000   |
| Far East-----                 | 567, 244, 000   |
| Latin America-----            | 96, 465, 000    |
| Nonregional-----              | 237, 899, 000   |
| Less funding adjustment-----  | -198, 127, 000  |

|                                |                  |
|--------------------------------|------------------|
| Total military assistance----- | 1, 600, 000, 000 |
|--------------------------------|------------------|

The funds recommended are to provide military equipment, training, supplies and services to the military forces of certain countries in the fulfillment of U.S. national security objectives.

The committee has approved language under this head which will consolidate into one account funds made available to the Department of Defense for infrastructure by the Supplemental Appropriation Act, 1953, with all other funds made available to the President for infrastructure by the Mutual Security Act of 1954 as amended and allocated by the President to the Department of Defense. The consolidation of these funds into one act will bring together in one place funds available for the infrastructure program and will eliminate the maintenance of separate accounts.

## DEFENSE SUPPORT

There is recommended in the accompanying bill an appropriation of \$700,000,000, which is the same as the House bill. The Mutual Security Act of 1959 authorized the appropriation of \$751,000,000 for defense support. The appropriation recommended is a reduction of \$135,000,000 from the budget request.

Defense support is that economic assistance which is provided, in addition to military assistance, in order to secure a specific contribution to the common defense by another country in which U.S. military aid is helping to support significant military forces.

The countries proposed for inclusion are: Korea, Republic of China, Vietnam, Philippines, Laos, Cambodia, Thailand, Pakistan, Iran, Turkey, Greece, and Spain.

Language has been included in the bill by the committee fixing the aid for Spain at not less than \$50,000,000 under this appropriation.

## DEVELOPMENT LOAN FUND

The committee has included in the bill the sum of \$590,000,000 for this fund, which is an increase of \$40,000,000 over the House bill. The amount recommended is \$110,000,000 less than the total author-



ized for fiscal 1960. The \$500,000,000 requested to be appropriated now to become available in fiscal year 1961 has been denied.

The Mutual Security Act of 1959 authorized an appropriation of \$1,800,000,000, of which not to exceed \$700,000,000 may be advanced prior to July 1, 1960, and not to exceed \$1,100,000,000 may be advanced prior to July 1, 1961.

The Development Loan Fund is designed to provide assistance, through loans and credits, to the underdeveloped countries of the world.

The committee has provided in the bill a limitation of \$1,890,000 for administrative expenses for this program which is \$140,000 over the House bill and \$160,000 under the budget estimate.

### TECHNICAL COOPERATION

Technical cooperation is defined as a program for the international exchange of technical knowledge and skills through training, demonstrations, surveys, and similar activities designed to contribute primarily to the balanced and integrated development of the economic resources and productive capacities of economically underdeveloped areas.

There is recommended inclusion in the bill for this item the amount of \$160,000,000, which is \$10,000,000 over the House bill and \$19,500,000 under the authorization.

With proper management the committee believes this amount will provide adequately for the continuation of current training activities, and small increases in the programs in Africa and Latin America.

### UNITED NATIONS EXPANDED PROGRAM OF TECHNICAL ASSISTANCE AND THE SPECIAL FUND

The committee recommends \$30,000,000, the full amount of the budget estimate, the House bill, and the authorization. This is an increase of \$10,000,000 over the 1959 appropriation.

This committee joins with the House committee in the hope that in future years a reduction in our total dollar contribution may be realized as well as a reduction in the percentage of our contribution. It is to be noted that the actual dollar contribution has risen from \$12,000,000 in 1950 to the present amount of \$30,000,000 for 1960.

### ORGANIZATION OF AMERICAN STATES

The amount of \$1,200,000 is included in the bill for this item. This is a reduction of \$300,000 from the House bill, the budget estimate, and the authorization. The amount herein recommended, together with the reappropriation of unobligated 1959 funds in the amount of \$300,000, makes available \$1,500,000, which the committee is informed will be adequate to carry out the program as planned.

## SPECIAL ASSISTANCE AND OTHER PROGRAMS

## SPECIAL ASSISTANCE, GENERAL

An appropriation of \$245,000,000 is recommended for this item. This is an increase of \$45,000,000 over the House bill, and a reduction of \$26,800,000 from the budget estimate.

Special assistance is defined as economic aid designed to achieve political, economic, humanitarian, or other objectives of the United States in countries where the United States is not providing military assistance in support of significant military forces, and where the need for such assistance cannot appropriately or fully be provided under technical cooperation or from the Development Loan Fund. Special assistance is also the funding source for certain programs which cut across country lines—such as the worldwide malaria eradication program—which serve important U.S. interests and which cannot appropriately be financed under other categories of aid.

The justifications submitted to the committee for this item included \$35,000,000 for malaria eradication, \$5,000,000 for community water development, \$1,000,000 for health research, \$5,000,000 for aid to American schools abroad, \$5,000,000 for miscellaneous programs, and \$220,800,000 for regional expenses and for certain specific countries, the breakdown of which is classified.

## CHILDREN'S RESEARCH HOSPITAL—POLAND

The committee recommends an appropriation of \$50,000 in local currency for assistance in the planning for construction of the American Research Hospital for children in Poland at the University of Krakow.

The hospital was authorized under section 400(c) in the Mutual Security Act. The committee was advised that the hospital will be constructed for a cost in local currency of between \$2.5 million and \$3 million. The foreign currencies are available under the Agricultural Trade Development and Assistance Act of 1954.

## INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

The bill includes \$7,371,000 for this organization whose objective is to move and resettle those surplus populations and refugees from the overpopulated countries of Europe to other countries which can use additional manpower. The amount recommended, together with an unobligated carryover of \$4,829,000, will provide a total of \$12,200,000, which is the equivalent of the budget estimate and the authorization. The committee was informed that the amount thus provided would be adequate.

## UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

The committee concurs with the House and recommends \$1,100,000, the amount of the budget estimate and the full authorization, for the U.S. contributions for the calendar year 1960 program. This amount is a decrease of \$100,000 from the appropriation for fiscal year 1959.

This program will carry out unfinished programs of the United Nations Refugee Fund which terminated on December 31, 1958.



## ESCAPEE PROGRAM

An appropriation of \$4,632,000, which is \$568,000 under the House bill, the budget estimate, and the authorization for 1960. However, with the reappropriation of \$568,000 in unobligated balances, the amount made available herein will provide an amount equal to the budget request of \$5,200,000.

The principal objective of this program is to reduce the number of escapees in need of assistance in Europe by resettlement in oversea countries which are seeking additional people. While the escapees are awaiting permanent reestablishment the program supplements the assistance of the countries of asylum and of the voluntary agencies. The U.S. contribution fills the gap which remains between what can be provided from these two sources and what is needed to assure a level of assistance considered essential.

## UNITED NATIONS CHILDREN'S FUND

■ The committee recommends the full authorization and the amount of the budget estimate and the House bill, \$12,000,000, for this item. This is an increase of \$1,000,000 over the amount appropriated for 1959.

This program is designed to improve the welfare and health of children and mothers, primarily in underdeveloped areas of the world, provide basic equipment and medical supplies for rural health centers, provide powdered milk to combat malnutrition and equipment for local dairies and food-processing industries to improve child nutrition. Currently, 328 programs in 97 countries are being assisted by this program.

## UNITED NATIONS RELIEF AND WORKS AGENCY

An appropriation of \$25,000,000, the full amount of the budget request, the House bill, and the authorization, is recommended for this program. In addition, the committee concurs in the action of the House in providing for the reappropriation of all unobligated balances remaining in this program as of June 30, 1959.

This program provides funds for U.S. participation in the relief and rehabilitation of Palestine refugees in the Near East. This participation takes the form of a contribution to the United Nations Relief and Works Agency.

## OCEAN FREIGHT

The committee recommends \$1,910,000, for the payment of ocean-freight charges on relief shipments by voluntary agencies. The amount herein recommended, together with the reappropriation of \$390,000 in unobligated balances makes available a total of \$2,300,000, the equivalent of the budget estimate, the House bill, and the authorization.

This program subsidizes the cost of the movement overseas of supplies donated to American voluntary agencies, and facilitates and encourages people-to-people gifts from Americans to needy persons abroad.

## GENERAL ADMINISTRATIVE EXPENSES

The committee recommends the amount of \$38,000,000 for general administrative expenses. This is \$1,000,000 more than the amount of \$37,000,000 provided in the House bill and \$1,500,000 less than the authorization and budget estimate which were in the amount of \$39,500,000.

The House report directed that any funds included in the budget estimate to meet costs of any functions transferred from the International Cooperation Administration to the new Office of Inspector General and Comptroller of the Department of State be placed in reserve. The \$38,000,000 allowed includes no provision for the functions referred to above, therefore making it unnecessary to reserve any funds.

## ADMINISTRATIVE EXPENSES, STATE DEPARTMENT

The bill includes \$8,100,000 for this item, which provides for the administrative expenses of the State Department incurred in providing coordination and program policy review of the mutual security program in Washington and abroad, for public information on the program, and for support of the U.S. mission to NATO and European Regional Organization in Paris. In addition, the administrative expenses of the refugee and migration program are financed by this appropriation. The recently enacted authorization bill also transferred the costs of administering the Mutual Defense Assistance Control Act of 1951 (Battle Act) to this item.

The amount recommended is \$200,000 over the House bill which provided \$7,900,000; \$295,000 under the amount of \$8,395,000, which is the budget estimate and the authorization.

## ATOMS FOR PEACE

There is recommended an appropriation of \$2,500,000, which is \$1,000,000 over the House bill which provides \$1,500,000; \$4,000,000 under the budget estimate; and \$4,000,000 under the authorization.

This program has for its purpose the promotion of the peaceful uses of atomic energy abroad.

## PRESIDENT'S SPECIAL AUTHORITY AND CONTINGENCY FUND

The committee concurs with the action of the House in providing \$155,000,000, a reduction of \$45,000,000 from the budget estimate, but the identical amount of the House allowance and the authorization for this fund. In addition, there are reappropriated unobligated funds remaining available on June 30, 1959, estimated at \$184,000.

The contingency fund is intended to serve as a reserve to meet anticipated requirements which are not firm at the time of the congressional presentation and also unforeseen contingencies.



## FLOOD CONTROL FEASIBILITY CRITERIA

The following provision which was adopted on the floor of the House of Representatives prohibits the use of funds appropriated for defense support, the Development Loan Fund, special assistance or the contingency fund to be used for financing nonmilitary projects or programs which have not met the feasibility criteria and by standards required to be applied to domestic flood control, reclamation and other related water and land resources programs:

SEC. 103. None of the funds herein appropriated for Defense Support, the Development Loan Fund, Special Assistance or the President's Special Authority and Contingency Fund shall be used to finance nonmilitary programs or projects which have not met the standards and criteria used in determining the feasibility of flood control, reclamation and other water and related land resource programs and projects proposed for construction within the continental limits of the United States of America as per circular A-47 of the Bureau of the Budget, dated December 31, 1952.

This provision has been stricken from the bill by the committee and in lieu thereof the committee recommends the following new language:

*SEC. 103. None of the funds herein appropriated for Defense Support, the Development Loan Fund, Special Assistance, or the President's Special Authority and Contingency Fund shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program unless and until there is prepared on the basis of all available data a detailed evaluation which provides reasonable assurance that the total benefits of such project or program will be at least equivalent to the total costs thereof.*

The committee expects that, in complying with this provision, the executive branch will apply the basic principles of Circular A-47 of the Bureau of the Budget to the maximum extent permitted by conditions abroad. In particular, the executive branch should prepare an evaluation of the costs and benefits of each project to which Circular A-47 would apply domestically.

## CULTURAL CENTER BETWEEN EAST AND WEST

Under chapter 6 of the Mutual Security Act of 1959 the development of a plan for a center for cultural and technical interchange between East and West in Hawaii was authorized, either as a branch of an existing institution of higher learning or as a separate institution. There was authorized to be appropriated such amounts as would be necessary to carry out the provisions of the chapter.

In section 111 of the appropriation bill the House has inserted a provision prohibiting the use of any of the funds in the bill to carry out the provisions of this plan.

The restrictive section included in the bill by the House has been deleted by the committee.

## EMPLOYMENT OF FORMER PERSONNEL OF ICA

Section 112 of the House bill prohibits the use of funds to enter into a contract with any person or company who offers to provide compensation to any ICA employee, or who provides compensation to any ICA employee, who has left ICA within 2 years of the date of employment with such a person or company.

The committee recommends that the provision be amended as indicated:

SEC. 111. None of the funds contained in this title may be used to enter into a contract with any person, organization, company, or concern or any of its affiliates (*other than an organization, company, or concern not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual*), who has offered or who offers to provide compensation to an employee of the International Cooperation Administration or who provides compensation to any former employee of the International Cooperation Administration who has left employment with International Cooperation Administration within two years from the date of employment with said person, organization, company, or concern or any of its affiliates.

## FURNISHING OF MATERIAL TO CONGRESS

The committee has stricken from the bill the following provision which was adopted on the floor of the House of Representatives:

SEC. 113. None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, during any period when more than twenty days have elapsed between the request for, and the furnishing of, any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration, to the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriation for or expenditures of the International Cooperation Administration and the Department of State.

and in lieu thereof has included the following section in the bill:

SEC. 112. (a) *Within 60 days following the date of enactment of this Act, the President shall transmit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report containing a full and complete revision of the data presented to such committees in justification of appropriations requested for the Mutual Security program for the fiscal year 1960, showing any changes in such program approved subsequent to such presentation, including changes necessary to reflect actual appropriations for the program.*

(b) *Within 30 days following the approval of any change in the Mutual Security program for the fiscal year 1960, which*



*will result in furnishing assistance of a kind, for a purpose, in an area, or in an amount, different from that described in the report transmitted under subsection (a), and which involves \$1,000,000 or more or 5 per centum of the amount appropriated under any paragraph of this title, whichever is the lesser, the President shall transmit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a full and complete report of such change and the reasons therefor.*

*(c) This section shall not apply to programs authorized by section 451 of the Mutual Security Act of 1954, as amended.*

## OPPOSITION TO ADMISSION OF COMMUNIST CHINA INTO THE UNITED NATIONS

For several years the Mutual Security Act has contained a provision indicating that the Congress is opposed to the sitting in the United Nations of the Communist China regime.

The provision in the act for 1960 was deleted from the bill on the floor of the House of Representatives. It has been reinstated in the bill with a minor change by the committee and reads as follows:

*SEC. 113. The Congress hereby reiterates its opposition under present conditions to the seating in the United Nations of the Communist China regime as the representative of China, and it is hereby declared to be the continuing sense of the Congress that the Communist regime in China had not demonstrated its willingness to fulfill the obligations contained in the Charter of the United Nations and should not be recognized to represent China in the United Nations. In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations, the President is requested to inform the Congress insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter.*

## AGRICULTURAL COMMODITIES

The following language provision has been included in the bill by the committee:

*SEC. 114. None of the funds herein appropriated for carrying out mutual assistance or economic development programs, shall be used to provide facilities for, or to increase, the production of any agricultural commodity or product for marketing outside the country of production in competition with any agricultural commodity, or any product thereof, which is in surplus supply in the United States.*

## DISTINCTIONS BECAUSE OF RACE OR RELIGION

The following provision has been included in the bill by the committee:

*SEC. 115. It is the sense of Congress that any attempt by foreign nations to create distinctions because of their race or religion among American citizens in the granting of personal or commercial access or any other rights otherwise available to United States citizens generally is repugnant to our principles; and in all negotiations between the United States and any foreign state arising as a result of funds appropriated under this Act, these principles shall be applied as the President may determine.*

## UNAUTHORIZED REPRODUCTION OF AMERICAN BOOKS

The committee was advised of the problem that is in existence in Nationalist China of the unauthorized reproduction of American books in very cheap photo offset editions. Despite representations by the American publishers, this practice has continued. The Department of State is directed to look into this problem and exert every effort in an attempt to have it discontinued.

## TITLE II—DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

### ADMINISTRATION, RYUKYU ISLANDS

The committee concurs with the House in recommending the appropriation of \$5,282,000 for this item. The amount provided is \$1,000,000 under the budget estimate and is an increase of \$2,421,600 over the appropriation for 1959.

### CONSTRUCTION OF POWER SYSTEMS, RYUKYU ISLANDS

There is recommended an appropriation of \$18,000,000 for this item. The amount recommended by the committee is in the form of a loan and the provision for repayment specifies that repayment is to be made to miscellaneous receipts of the Treasury over a period of 25 years to commence 5 years after the date any such loan is made, with interest at such rate as may be fixed by the Secretary of the Treasury taking into consideration the current average market yields of outstanding marketable obligations of the United States having a comparable maturity.

The House bill made no provision for this item. A recommendation by the House committee for the appropriation of \$18,000,000 was eliminated on the floor of the House during consideration of the bill on a point of order.

## TITLE III—EXPORT-IMPORT BANK

### LIMITATION ON ADMINISTRATIVE EXPENSES

The committee concurs with the House in recommending approval of a limitation on administrative expenses in the amount of \$2,500,000, the amount of the budget estimate, and an increase of \$293,000 over the limitation for fiscal 1959.



**TITLE IV—ADDITIONAL SUPPLEMENTAL APPROPRIATIONS**  
**EXECUTIVE OFFICE OF THE PRESIDENT**  
**OFFICE OF CIVIL AND DEFENSE MOBILIZATION**  
**SALARIES AND EXPENSES**

The committee recommends an additional amount of \$6,500,000, in lieu of the \$9,000,000 requested in Senate Document No. 49 to be reconsidered, to provide a total amount of \$9,500,000 for fiscal year 1960 to be allocated by the Office of Civil and Defense Mobilization for civil defense and defense mobilization functions performed by other Federal agencies; \$3,000,000 for this purpose was provided in the Supplemental Appropriation Act of 1960 (Public Law 86-213), for continuing functions that had been started in previous years. The additional \$6,500,000 recommended is to provide for the new programs requested in the supplemental estimate.

**DEPARTMENT OF COMMERCE**  
**GENERAL ADMINISTRATION**

**PARTICIPATION IN CENTURY 21 EXPOSITION**

|                                        |                |
|----------------------------------------|----------------|
| Supplemental request (S. Doc. 47)----- | \$12, 500, 000 |
| House allowance-----                   | Not considered |
| Amendment recommended-----             | \$12, 500, 000 |

The committee recommends an appropriation of \$12,500,000, the amount of the budget estimate, for the costs of Federal participation in the Century 21 Exposition to be held in Seattle, Wash., in 1961 and 1962.

In the course of the hearings the committee was informed that there has already been expended over \$6,500,000 by the city of Seattle, the State of Washington, and the Century 21 Exposition, Inc., as part of their contribution.

**BUREAU OF PUBLIC ROADS**  
**FEDERAL-AID HIGHWAYS (TRUST FUND)**

|                                       |                      |
|---------------------------------------|----------------------|
| 1960 appropriation (regular act)----- | (\$2, 840, 000, 000) |
| Supplemental request (S. Doc. —)----- | (\$188, 000, 000)    |
| House allowance-----                  | Not considered       |
| Committee recommendation-----         | (\$188, 000, 000)    |

The committee recommends the appropriation of the \$188,000,000, as requested, to be derived from the highway trust fund. The committee was informed that this increase in the limitation on the amount to be transferred from the highway trust fund is necessary to liquidate obligations incurred under prior contract authorizations because Federal-aid highway projects are proceeding more rapidly than was anticipated. The enactment of this proposal would increase the total amount authorized to be transferred to \$3,028,000,000 if this amount should become available in the highway trust fund. This increase provides a margin of \$50,000,000 above present estimates of availability so that transfers up to that amount will not be prevented if actual receipts exceed present estimates.

## HIGHWAY TRUST FUND

The committee recommends the allowance of the \$359,000,000, with the language as requested. This proposed amendment reads as follows:

*For repayable advances to the "highway trust fund" during the current fiscal year, as authorized by section 209(d) of the Highway Revenue Act of 1956 (70 Stat. 309), \$359,000,000: Provided, That all such advances shall be repaid to this appropriation on or before June 30, 1960, and upon such repayment this account shall be withdrawn.*

The committee was informed that the rate of expenditures in the first half of this fiscal year will exceed revenues available in the highway trust fund. Beginning in October 1959, amounts in the fund will be insufficient to permit the timely reimbursement to the States for expenses incurred under the Federal-aid highway program. The deficiency is expected to reach a maximum of \$359,000,000 by January 31, 1960. Receipts will then begin to exceed expenditures and, with the enactment of the Highway Act of 1959, are estimated to be adequate to repay this proposed advance with interest on or before June 30, 1960. Since this transaction will be completed within the fiscal year, it will have no effect upon 1960 expenditures or obligational authority.

## DISTRICT OF COLUMBIA

## METROPOLITAN POLICE

The committee recommends the additional appropriation for fiscal year 1960 of \$406,000 for the "Metropolitan Police." This sum is considered essential at this time to employ 100 additional foot patrolmen by January 1960. Testimony presented to the committee indicated there had been a 15.2 percent increase in crime in the District of Columbia between February and July of this year. The committee believes that strengthening of the force will help greatly to rectify this situation.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PUBLIC HEALTH SERVICE

## GRANTS FOR WASTE TREATMENT WORKS CONSTRUCTION

There was included in the Supplemental Appropriation Act, 1960, an allowance of \$657,000 to fund commitments under the allocation of the fiscal year 1958 appropriation in accordance with the law. The allowance however was limited in availability only through August 31, 1959. The act was approved on September 1 and the funds under the limitation were not available. The committee recommends inclusion of a paragraph to extend the availability of the \$657,000 until 5 days after the enactment of H.R. 8385.

## CONSTRUCTION OF INDIAN HEALTH FACILITIES

|                          |               |
|--------------------------|---------------|
| 1960 appropriation       | \$4, 587, 000 |
| Committee recommendation | 200, 000      |



The committee recommends approval of \$200,000 to provide funds to meet certain emergency conditions among the Indian population with respect to water supply and waste disposal systems.

Under recently enacted legislation, Public Law 86-121, approved July 31, 1959, the Public Health Service is authorized to construct, improve, extend, or otherwise provide and maintain, essential sanitation facilities, including domestic and community water supplies and facilities, drainage facilities, and sewage- and waste-disposal facilities for Indian homes, communities and lands.

In view of the emergency conditions prevailing at a number of Indian communities the committee believes it necessary that funds required to provide water for domestic use and consumption be made available immediately.

## INDEPENDENT OFFICES

### COMMISSION ON CIVIL RIGHTS

The committee directed the chairman of the Committee on Appropriations to file a notice of intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing an amendment legislative in character extending for 2 years the Civil Rights Commission and to make an additional appropriation of \$500,000 for the Commission for fiscal year 1960. Should the Senate vote to suspend the rules, the following amendment will be proposed:

### COMMISSION ON CIVIL RIGHTS

#### SALARIES AND EXPENSES

*For an additional amount for "Salaries and expenses," \$500,000: Provided, That section 104(b) of the Civil Rights Act of 1957 is amended by striking out the words "two years" and inserting in lieu thereof "four years".*

### FEDERAL AVIATION AGENCY

#### EXPENSES

The committee recommends, as requested in Senate Document No. 47, the additional amount of \$17,000,000 for "Expenses" of the Federal Aviation Agency, to be derived by transfer from the appropriation for "Establishment of air navigation facilities." The committee is advised that this additional amount is necessary to assure that the new facilities scheduled for installation during fiscal year 1960 will be placed in service promptly as they are installed.

An increase from \$13,500,000 to \$14,125,000 in the limitation for expenses of travel is also recommended for the same purpose.

#### ESTABLISHMENT OF AIR NAVIGATION FACILITIES

For clarification of authority in connection with travel for procurement and installation of the facilities referred to above, the committee recommends the insertion of a new limitation of \$4,000,000 under "Establishment of air navigation facilities," as also requested in Senate Document No. 47.

## CONSTRUCTION AND DEVELOPMENT, ADDITIONAL WASHINGTON AIRPORT

The committee recommends the addition of \$2,450,000, to be combined with \$750,000 allowed in the Supplemental Appropriation Act for 1960 (Public Law 86-213), to provide \$3,200,000 to be used for the construction of a sewage disposal system to connect Dulles International Airport at Chantilly, Va., with the Blue Plains treatment facility of the District of Columbia.

In approving the Supplemental Appropriation Act for 1960, President Eisenhower released the following statement on September 1, 1959:

There has been considerable controversy about provisions for sewage disposal at the Dulles International Airport. I had recommended a tie-in with the District of Columbia sewer system. The Congress, however, by eliminating certain funds in the Federal Aviation Agency appropriation request, has implied that it desires the Agency to build a sewage treatment plant at the airport with the treated effluent being emptied into a tributary of the Potomac River. This procedure is objected to by the Federal Aviation Agency, The Corps of Engineers, the District of Columbia Commissioners, and local planning and pollution abatement agencies.

I am asking the Federal Aviation Administrator not to proceed with work on the treatment plant until this issue has once more been fully examined. I have asked the Administrator to report to me in this regard as soon as possible.

The committee believes it is essential to add the funds for this recommended sewage disposal system at this time, in order to assure that this new airport will be in full operation by January of 1961, as planned.

## FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

|                                  |                        |
|----------------------------------|------------------------|
| Appropriation (to date)-----     | <sup>1</sup> \$10, 000 |
| Budget estimate (S. Doc. —)----- | 150, 000               |
| House allowance-----             | ( <sup>2</sup> )       |
| Committee recommendation-----    | 150, 000               |

<sup>1</sup> Included in the Department of the Interior and Related Agencies Appropriation Act, 1957 (Public Law 573, 84th Cong.).

<sup>2</sup> Not considered.

The committee recommends the allowance of an appropriation of \$150,000 for the expenses of the Franklin Delano Roosevelt Memorial Commission. The sum recommended, which was authorized by Public Law 86-214, will provide the necessary funds for the Commission to organize competitions for plans for the design of the Franklin Delano Roosevelt Memorial in accordance with the terms of the act of August 11, 1955 (69 Stat. 694).

## NATIONAL LABOR RELATIONS BOARD

## SALARIES AND EXPENSES

|                               |                |
|-------------------------------|----------------|
| 1960 appropriation-----       | \$14, 230, 000 |
| Supplemental estimate-----    | 500, 000       |
| Committee recommendation----- | 500, 000       |



The committee recommends approval of the full budget estimate to provide funds for an initial, indefinite period in the current fiscal year to enable the Board to carry out the responsibilities imposed by the Labor-Management Reporting and Disclosure Act of 1959.

At the present time precise estimates cannot be developed since the areas of legislation are broad and there are no sound bases for estimating the effect of the various provisions; only experience under the new legislation will enable the Board to estimate its needs with a reasonable degree of reliability. The committee is advised that the recently passed act will place the following additional duties upon the Board:

1. While the bill does not require expanding the jurisdiction of the Board, it prohibits any receding from the jurisdictional standards which were in effect on August 1, 1959. This means that even though the Board should find the present jurisdictional standards impose an undue administrative burden upon the Agency, it could not, nevertheless, narrow those standards.

2. The provision authorizing the Board to delegate to the regional directors its powers over representation proceedings is intended of course to expedite those proceedings and reduce the burden upon the Board. The provision, however, provides that the Board may review the actions of the regional directors upon the filing of a request therefor by any interested person. It is assumed that the Board will be requested in a large number of the cases to review regional director actions.

3. The provision of the bill relating to the voting rights of replaced economic strikers will place on the Board the additional duty of determining the eligibility of such strikers to vote in any election conducted within 12 months after the commencement of a strike. At the present time the permanently replaced economic strikers are prohibited from voting in representation elections.

4. The secondary boycott provision of the act (sec. 8(b)(4)) has been amended extensively and creates several new classes of unfair labor practices or clarifies the applicability of the provisions to situations in which at present their applicability is questionable. These are:

(a) Restraint, coercion, or threatening of employees for the objects proscribed by the section.

(b) Inducement and encouragement of individual employees to refuse to perform services.

(c) Secondary activities directed at employers, such as railroads, municipalities, etc., not coming in the statutory definition of employer.

(d) The amended section also contains a new proviso relating to consumer boycotts which will have to be construed by the Board.

5. The hot cargo provision of the bill also creates new unfair labor practices; namely, for an employer and a union to enter into such agreements. This provision also contains two provisos, one relating to the building and construction industry and the other relating to the apparel and clothing industry, which will require Board interpretation and application.

6. Another unfair labor practice created by the bill relates to organizational and recognition picketing. This provision also requires under certain circumstances that representation elections be held

immediately without hearing. The provision also contains a proviso relating to consumer boycott picketing which will require interpretation.

7. All of the foregoing unfair labor practices are placed within the scope of section 10(1) of the act which requires injunctions to be sought when there is reasonable cause to believe that such an unfair labor practice has been committed. This will expand the injunction activities of the agency considerably.

8. Another provision of the bill which will require Board interpretation and application is the provision relating to prehire agreements in the building and construction industry. This provision may also stimulate the filing of representation petitions in the industry since agreements entered into pursuant to this provision will not constitute a bar to an election.

9. Finally, a provision of the bill requires that priority in handling be given to additional classes of cases, namely, charges of section 8(a)(3) and 8(b)(2) violations. This will mean that a large majority of unfair labor practice charges filed with the Agency will have to be given some form of priority and expeditious handling.

## HOUSING AND HOME FINANCE AGENCY

### OFFICE OF THE ADMINISTRATOR

#### SALARIES AND EXPENSES

The committee recommends, as requested in Senate Document No. 47, an additional amount of \$290,000 for "Salaries and expenses" in the Office of the Administrator of the Housing and Home Finance Agency, to provide for the voluntary home mortgage credit program for fiscal year 1960, of which \$220,000 shall be available only upon enactment of legislation continuing the program beyond September 30, 1959.

The committee also recommends an additional amount of \$1,000,000, in lieu of the amount of \$3,100,000 requested in Senate Document No. 47, for "Urban planning grants" for fiscal year 1960, to be effective only upon the enactment of authorizing legislation. In view of the amount of \$975,000 made available in the regular bill for the program previously authorized, the committee believes that the additional amount of \$1,000,000 should be available specifically for the needs of the smaller cities and smaller counties as contemplated by the new authorization.

## DEPARTMENT OF THE INTERIOR

### BUREAU OF INDIAN AFFAIRS

#### DISTRIBUTION OF FUNDS OF THE CREEK INDIANS

|                                          |                         |
|------------------------------------------|-------------------------|
| Appropriation (to date) .....            | <sup>1</sup> \$200, 000 |
| Supplemental estimate (S. Doc. 47) ..... | 125, 000                |
| House allowance .....                    | ( <sup>2</sup> )        |
| Committee recommendation .....           | 100, 000                |

<sup>1</sup> Included in the Department of the Interior and Related Agencies Appropriation Act, 1957.

<sup>2</sup> Not considered.



The committee recommends the allowance of an appropriation of \$100,000 to meet the expenses of the distribution of the funds of the Creek Indians.

## DEPARTMENT OF LABOR

### LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACTIVITIES

#### SALARIES AND EXPENSES

|                               |               |
|-------------------------------|---------------|
| Supplemental estimate-----    | \$2, 000, 000 |
| Committee recommendation----- | 2, 000, 000   |

The committee recommends approval of the budget estimate to provide funds for an initial, indefinite period within the fiscal year 1960 to enable the Department to carry out the responsibilities imposed by the Labor-Management Reporting and Disclosure Act of 1959.

The various reporting provisions of the law will cover some 55,000 labor organizations representing 17 to 18 million workers; possibly a half-million officers and employees of those unions; probably well in excess of 100,000 employers (or corporation officials), and an unknown number of labor relations consultants.

Clearly, 55,000 initial reports on organization and procedures, and copies of constitutions and bylaws, are required to be filed within 90 days after enactment. A considerable number of amended organization reports can be expected at the time financial reports are filed, as labor organizations make changes as a result of operation of the law, or for other reasons. Reports on trusteeships are required within 30 days and at 6-month intervals thereafter, and 1,000 such reports are estimated for the first 7 months. Financial reports of labor organizations are due within 90 days after the end of the organization's fiscal year, and some 37,000 are expected in the period between enactment and March 31, 1960.

In addition to development, printing, and distribution of the forms, instructions, and general informational materials to assist those covered in complying with the law, a major task in the early months is expected in the handling of inquiries and complaints. At least some of the anticipated complaints will require investigative action to ascertain and substantiate the facts for enforcement purposes.

## TREASURY DEPARTMENT

### BUREAU OF THE MINT

#### SALARIES AND EXPENSES

|                                         |                  |
|-----------------------------------------|------------------|
| 1959 appropriation-----                 | \$4, 300, 000    |
| 1960 appropriation-----                 | 4, 300, 000      |
| Supplemental estimate (S. Doc. 47)----- | 300, 000         |
| House allowance-----                    | ( <sup>1</sup> ) |
| Committee recommendation-----           | 300, 000         |

<sup>1</sup> Not considered.

The committee recommends the allowance of an appropriation of \$300,000 for the salaries and expenses of the Bureau of the Mint. This additional sum is to provide for an increase in the production of coins over that contemplated in the 1960 budget.

## COAST GUARD

## OPERATING EXPENSES

|                               |                 |
|-------------------------------|-----------------|
| 1959 appropriation.....       | \$179, 500, 000 |
| 1960.....                     | 189, 000, 000   |
| House allowance.....          | (1)             |
| Committee recommendation..... | 800, 000        |

<sup>1</sup> Not considered.

The committee recommends for this appropriation the additional sum of \$800,000. The amount recommended is to cover the cost of administering the registration and numbering provisions of the Federal Boating Act of 1958. The Federal Boating Act of 1958 provides that all undocumented vessels propelled by machinery of more than 10 horsepower operating in the navigable waters of the United States shall be numbered.

**TITLE V—CLAIMS FOR DAMAGES AND JUDGMENTS**

The bill includes the amount of \$384,508 for claims for damages and judgments as submitted in Senate Document No. 48, dated August 25, 1959.



# COMPARATIVE STATEMENT OF APPROPRIATIONS FOR 1959, ESTIMATES FOR 1960, AND AMOUNTS RECOMMENDED IN BILL FOR 1960

| Items                                                  | Appropriations,<br>1959 | Budget esti-<br>mates, 1960 <sup>1</sup> | Recommended<br>in bill for 1960 <sup>1</sup> | House amount<br>recommended<br>by Senate<br>committee | Increase (+) or decrease (-) Senate bill com-<br>pared with— |                             |             |
|--------------------------------------------------------|-------------------------|------------------------------------------|----------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------|-----------------------------|-------------|
|                                                        |                         |                                          |                                              |                                                       | Appropriations,<br>1959                                      | Budget esti-<br>mates, 1960 | House bill  |
| TITLE I—MUTUAL SECURITY                                |                         |                                          |                                              |                                                       |                                                              |                             |             |
| Military assistance.....                               | \$1,515,000,000         | \$1,600,000,000                          | \$1,300,000,000                              | \$1,300,000,000                                       | —\$215,000,000                                               | —\$300,000,000              | -----       |
| Defense support.....                                   | 750,000,000             | 835,000,000                              | 700,000,000                                  | 700,000,000                                           | —50,000,000                                                  | —135,000,000                | -----       |
| Development Loan Fund:                                 |                         |                                          |                                              |                                                       |                                                              |                             |             |
| Appropriation, 1960.....                               | 550,000,000             | 700,000,000                              | 550,000,000                                  | 590,000,000                                           | +40,000,000                                                  | —110,000,000                | +40,000,000 |
| Appropriation, 1961.....                               | -----                   | <sup>2</sup> 500,000,000                 | -----                                        | -----                                                 | -----                                                        | —500,000,000                | -----       |
| Administrative expense limitation.....                 | (1,250,000)             | (2,050,000)                              | (1,750,000)                                  | (1,890,000)                                           | (+640,000)                                                   | (—160,000)                  | (+140,000)  |
| Technical cooperation:                                 |                         |                                          |                                              |                                                       |                                                              |                             |             |
| General authorization.....                             | 150,000,000             | 179,500,000                              | 150,000,000                                  | 160,000,000                                           | +10,000,000                                                  | —19,500,000                 | +10,000,000 |
| United Nations expanded program.....                   | 20,000,000              | 30,000,000                               | 30,000,000                                   | 30,000,000                                            | +10,000,000                                                  | -----                       | -----       |
| Organization of American States.....                   | 1,500,000               | 1,500,000                                | 1,500,000                                    | 1,200,000                                             | —300,000                                                     | —300,000                    | —300,000    |
| Total, technical cooperation.....                      | 171,500,000             | 211,000,000                              | 181,500,000                                  | 191,200,000                                           | +19,700,000                                                  | —19,800,000                 | +9,700,000  |
| Special assistance.....                                | 200,000,000             | 271,800,000                              | 200,000,000                                  | 245,000,000                                           | +45,000,000                                                  | —26,800,000                 | +45,000,000 |
| Other programs:                                        |                         |                                          |                                              |                                                       |                                                              |                             |             |
| Intergovernmental Committee of European Migration..... | 12,500,000              | 12,200,000                               | 8,000,000                                    | 7,371,000                                             | —5,129,000                                                   | —4,820,000                  | —629,000    |
| United Nations High Commissioner for Refugees.....     | 1,200,000               | 1,100,000                                | 1,100,000                                    | 1,100,000                                             | 100,000                                                      | -----                       | -----       |
| Escapee program.....                                   | 8,600,000               | 5,200,000                                | 5,200,000                                    | 4,632,000                                             | —3,968,000                                                   | —568,000                    | —568,000    |
| United Nations Children's Fund.....                    | 11,000,000              | 12,000,000                               | 12,000,000                                   | 12,000,000                                            | +1,000,000                                                   | -----                       | -----       |
| United Nations Relief and Works Agency.....            | 25,000,000              | 25,000,000                               | 25,000,000                                   | 25,000,000                                            | -----                                                        | -----                       | -----       |

See footnotes at end of table, p. 24.

## Comparative statement of appropriations for 1959, estimates for 1960, and amounts recommended in bill for 1960—Continued

| Items                                                                               | Appropriations,<br>1959 | Budget esti-<br>mates, 1960 <sup>1</sup> | Recommended<br>in bill for 1960 <sup>1</sup> | House amount<br>recommended<br>by Senate<br>committee | Increase (+) or decrease (–) Senate bill com-<br>pared with— |                             |
|-------------------------------------------------------------------------------------|-------------------------|------------------------------------------|----------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------|-----------------------------|
|                                                                                     |                         |                                          |                                              |                                                       | Appropriations,<br>1959                                      | Budget esti-<br>mates, 1960 |
| TITLE I—MUTUAL SECURITY—Continued                                                   |                         |                                          |                                              |                                                       |                                                              |                             |
| Other programs—Continued                                                            |                         |                                          |                                              |                                                       |                                                              |                             |
| Ocean freight charges.....                                                          | \$2,100,000             | \$2,300,000                              | \$2,300,000                                  | \$1,910,000                                           | —\$190,000                                                   | —\$390,000                  |
| Control Act expenses.....                                                           | 1,000,000               | ( <sup>3</sup> )                         | .....                                        | .....                                                 | —1,000,000                                                   | .....                       |
| General administrative expenses.....                                                | 33,000,000              | 39,500,000                               | 37,000,000                                   | 38,000,000                                            | +5,000,000                                                   | +1,000,000                  |
| State Department administrative expenses.....                                       | 6,692,500               | \$ 8,395,000                             | 7,900,000                                    | 8,100,000                                             | +1,407,500                                                   | +200,000                    |
| Atoms for peace.....                                                                | 5,500,000               | 6,500,000                                | 1,500,000                                    | 2,500,000                                             | —3,000,000                                                   | +1,000,000                  |
| Total, other programs.....                                                          | 106,592,500             | 112,195,000                              | 100,000,000                                  | 100,613,000                                           | —5,979,500                                                   | +613,000                    |
| President's Special Authority and Contingency Fund.....                             | 155,000,000             | 200,000,000                              | 155,000,000                                  | 155,000,000                                           | .....                                                        | —45,000,000                 |
| Total, title I—Mutual Security.....                                                 | 3,448,092,500           | 4,429,995,000                            | 3,186,500,000                                | 3,281,813,000                                         | —166,279,500                                                 | +95,313,000                 |
| TITLE II—DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS                                     |                         |                                          |                                              |                                                       |                                                              |                             |
| ministration, Ryukyu Islands.....                                                   | 2,860,400               | 6,282,000                                | 5,282,000                                    | 5,282,000                                             | +2,421,600                                                   | —1,000,000                  |
| Construction of water systems, Ryukyu Islands.....                                  | 600,000                 | .....                                    | .....                                        | .....                                                 | —600,000                                                     | .....                       |
| Construction of power systems, Ryukyu Islands.....                                  | .....                   | ( <sup>4</sup> )                         | .....                                        | 18,000,000                                            | +18,000,000                                                  | +18,000,000                 |
| Total, title II.....                                                                | 3,460,400               | 6,282,000                                | 5,282,000                                    | 23,282,000                                            | +19,821,600                                                  | +18,000,000                 |
| TITLE III—EXPORT-IMPORT BANK OF WASHINGTON                                          |                         |                                          |                                              |                                                       |                                                              |                             |
| Administrative expense limitation.....                                              | (2,207,000)             | (2,500,000)                              | (2,500,000)                                  | (2,500,000)                                           | (+293,000)                                                   | .....                       |
| TITLE IV—ADDITIONAL SUPPLEMENTAL APPROPRIATIONS<br>(S. Doc. 47 EXCEPT AS INDICATED) |                         |                                          |                                              |                                                       |                                                              |                             |
| EXECUTIVE OFFICE OF THE PRESIDENT                                                   |                         |                                          |                                              |                                                       |                                                              |                             |
| Office of Civil and Defense Mobilization: Salaries and expenses.....                | .....                   | \$ 9,000,000                             | .....                                        | 6,500,000                                             | +6,500,000                                                   | —2,500,000                  |
|                                                                                     |                         |                                          |                                              |                                                       |                                                              | +6,500,000                  |



|                                                                                      |                  |               |                |       |                |
|--------------------------------------------------------------------------------------|------------------|---------------|----------------|-------|----------------|
| DEPARTMENT OF COMMERCE                                                               |                  |               |                |       |                |
| General administration: Participation in Century 21 Exposition.....                  | 12,500,000       | 12,500,000    | +12,500,000    | ----- | +12,500,000    |
| Bureau of Public Roads:                                                              |                  |               |                |       |                |
| Federal-aid highways (trust fund).....                                               | \$ (188,000,000) | (188,000,000) | (+188,000,000) | ----- | (+188,000,000) |
| Highway trust fund.....                                                              | \$ 359,000,000   | 359,000,000   | +359,000,000   | ----- | +359,000,000   |
| Total, Department of Commerce.....                                                   | 371,500,000      | 371,500,000   | +371,500,000   | ----- | +371,500,000   |
| DISTRICT OF COLUMBIA                                                                 |                  |               |                |       |                |
| Metropolitan Police.....                                                             |                  | (406,000)     | (+406,000)     | ----- | (+406,000)     |
| DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE                                         |                  |               |                |       |                |
| Public Health Service: Construction of Indian health facilities.....                 |                  | 200,000       | +200,000       | ----- | +200,000       |
| INDEPENDENT OFFICES                                                                  |                  |               |                |       |                |
| Commission on Civil Rights: Salaries and expenses.....                               | 500,000          |               |                | ----- | -----          |
| Commission on International Rules and Judicial Procedure: Salaries and expenses..... | 34,000           |               |                | ----- | -----          |
| Federal Aviation Agency:                                                             |                  |               |                |       |                |
| Expenses.....                                                                        |                  |               |                |       |                |
| Establishment of air navigation facilities.....                                      |                  |               |                |       |                |
| Construction and development: Additional Washington National Airport.....            |                  | Language      |                |       |                |
| Franklin D. Roosevelt Memorial Commission.....                                       |                  | Language      |                |       |                |
| National Labor Relations Board: Salaries and expenses.....                           | (2,450,000)      | 2,450,000     | +2,450,000     |       | +2,450,000     |
| Housing and Home Finance Agency: Office of the Administrator:                        | 7 150,000        | 150,000       | +150,000       |       | +150,000       |
| Salaries and expenses.....                                                           | 500,000          | 500,000       | +500,000       |       | +500,000       |
| Urban planning grants.....                                                           | 290,000          | 290,000       | +290,000       |       | +290,000       |
| Total, independent offices.....                                                      | 3,100,000        | 1,000,000     | +1,000,000     | ----- | +1,000,000     |
|                                                                                      | 4,574,000        | 4,590,000     | +4,590,000     | ----- | +4,590,000     |

See footnotes at end of table, p. 24.

*Comparative statement of appropriations for 1959, estimates for 1960, and amounts recommended in bill for 1960—Continued*

| Items                                                                                         | Appropriations,<br>1959 | Budget esti-<br>mates, 1960 1 | Recommended<br>in bill for 1960 1 | House amount<br>recommended<br>by Senate<br>committee | Increase (+) or decrease (—) Senate bill com-<br>pared with— |                             |              |
|-----------------------------------------------------------------------------------------------|-------------------------|-------------------------------|-----------------------------------|-------------------------------------------------------|--------------------------------------------------------------|-----------------------------|--------------|
|                                                                                               |                         |                               |                                   |                                                       | Appropriations,<br>1959                                      | Budget esti-<br>mates, 1960 | House bill   |
| TITLE IV—ADDITIONAL SUPPLEMENTAL APPROPRIATIONS<br>(S. Doc. 47 EXCEPT AS INDICATED)—Continued |                         |                               |                                   |                                                       |                                                              |                             |              |
| DEPARTMENT OF THE INTERIOR                                                                    |                         |                               |                                   |                                                       |                                                              |                             |              |
| Bureau of Indian Affairs: Distribution of funds of the Creek<br>Indians-----                  |                         | \$125,000                     | -----                             | \$100,000                                             | +\$100,000                                                   | —\$25,000                   | +\$100,000   |
| DEPARTMENT OF LABOR                                                                           |                         |                               |                                   |                                                       |                                                              |                             |              |
| Labor-management reporting and disclosure activities: Salaries<br>and expenses-----           |                         | 2,000,000                     | -----                             | 2,000,000                                             | +2,000,000                                                   | -----                       | +2,000,000   |
| TREASURY DEPARTMENT                                                                           |                         |                               |                                   |                                                       |                                                              |                             |              |
| Bureau of the Mint: Salaries and expenses-----                                                |                         | 300,000                       | -----                             | 300,000                                               | +300,000                                                     | -----                       | +300,000     |
| Coast Guard: Operating expenses-----                                                          |                         | (800,000)                     | -----                             | 800,000                                               | +800,000                                                     | +800,000                    | +800,000     |
| Total, Treasury Department-----                                                               |                         | 300,000                       | -----                             | 1,100,000                                             | +1,100,000                                                   | +800,000                    | +1,100,000   |
| Total, title IV-----                                                                          |                         | 387,499,000                   | -----                             | 385,790,000                                           | +385,790,000                                                 | —1,709,000                  | +385,790,000 |
| TITLE V                                                                                       |                         |                               |                                   |                                                       |                                                              |                             |              |
| Claims for damages and judgments-----                                                         |                         | \$ 384,508                    | -----                             | 348,508                                               | +384,508                                                     | -----                       | +384,508     |
| Grand total-----                                                                              | \$3,451,552,900         | 4,824,160,508                 | \$3,191,782,000                   | 3,691,269,508                                         | +239,716,608                                                 | —1,132,891,000              | +499,487,508 |

<sup>1</sup> In addition, all unobligated balances continued available as proposed in H. Doc. 188.

<sup>2</sup> Amended estimate for fiscal year 1961 program received on July 24, 1959, in H. Doc. 205.

<sup>3</sup> The program for Control Act will be financed in fiscal year 1960 from State Department Administrative Expenses, sec. 411(c).

<sup>4</sup> Estimate of \$10,000,000 contained in H. Doc. 58 for partial funding denied in consideration of Second Supplemental Appropriation Act, 1959.

<sup>5</sup> S. Doc. 49.

<sup>6</sup> S. Doc. —.

<sup>7</sup> S. Doc. —.

<sup>8</sup> S. Doc. 48.



Calendar No. 1013

86TH CONGRESS  
1ST SESSION

# H. R. 8385

[Report No. 981]

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IN THE SENATE OF THE UNITED STATES

JULY 29, 1959

Read twice and referred to the Committee on Appropriations

SEPTEMBER 8 (legislative day, SEPTEMBER 5), 1959

Reported, under authority of the order of the Senate of May 21, 1959, by Mr.  
HAYDEN, with amendments

[Omit the part struck through and insert the part printed in italic]

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## AN ACT

Making appropriations for Mutual Security and related agencies  
for the fiscal year ending June 30, 1960, and for other  
purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any money  
4       in the Treasury not otherwise appropriated, for the fiscal  
5       year ending June 30, 1960, namely:

6                   **TITLE I—MUTUAL SECURITY**

7                   **FUNDS APPROPRIATED TO THE PRESIDENT**

8       For expenses necessary to enable the President to carry  
9       out the provisions of the Mutual Security Act of 1954, as

1 amended, to remain available until June 30, 1960 unless  
2 otherwise specified herein, as follows:

3 Military assistance: For assistance authorized by section  
4 103 (a) to carry out the purposes of chapter I (including  
5 administrative expenses as authorized by section 103 (b),  
6 which shall not exceed \$25,000,000 for the fiscal year  
7 1960, and purchase for replacement only of passenger motor  
8 vehicles for use abroad), \$1,300,000,000: *Provided, That*  
9 *the unexpended balances of funds heretofore made available*  
10 *under the heading "Military construction, foreign countries",*  
11 *in chapter IX of the Supplemental Appropriation Act, 1953,*  
12 *shall be consolidated with this appropriation;*

13 Defense support: For assistance authorized by section  
14 131 (b), \$700,000,000: *Provided, That not less than \$50,-*  
15 *000,000 thereof shall be available for Spain exclusive of*  
16 *technical cooperation;*

17 Development Loan Fund: For advances to the Devel-  
18 opment Loan Fund as authorized by section 203, ~~\$550,000,-~~  
19 ~~000~~ \$590,000,000, to remain available until expended;

20 Technical cooperation, general authorization: For assist-  
21 ance authorized by section 304, ~~\$150,000,000~~ \$160,-  
22 000,000;

23 United Nations expanded program of technical assist-  
24 ance and related fund: For contributions authorized by sec-  
25 tion 306 (a), \$30,000,000;



1        Technical cooperation programs of the Organization of  
2    American States: For contributions authorized by section  
3    306 (b) , ~~\$1,500,000~~ \$1,200,000;

4        Special assistance, general authorization: For assistance  
5    authorized by section 400 (a) , ~~\$200,000,000~~ \$245,000,000;

6        *Special assistance, special authorization: For assistance*  
7    *authorized by section 400(c) in the planning for construction*  
8    *of the American Research Hospital for Children in Poland*  
9    *at the University of Krakow, the equivalent of \$50,000 in*  
10   *local currencies;*

11       Intergovernmental Committee for European Migration:  
12    For contributions authorized by section 405 (a) , ~~\$8,000,000~~  
13    \$7,371,000: *Provided*, That no funds appropriated in this  
14    ~~Act~~ *title* shall be used to assist directly in the migration to  
15    any nation in the Western Hemisphere of any person not  
16    having a security clearance based on reasonable standards  
17    to insure against Communist infiltration in the Western  
18    Hemisphere;

19       Program of United Nations High Commissioner for  
20    Refugees: For contributions authorized by section 405 (c) ,  
21    \$1,100,000;

22       Escapee program: For assistance authorized by section  
23    405 (d) , ~~\$5,200,000~~ \$4,632,000;

24       United Nations Children's Fund: For contributions au-  
25    thorized by section 406, \$12,000,000;

1 United Nations Relief and Works Agency: For contribu-  
2 tions and expenditures authorized by section 407, \$25,000,-  
3 000;

4 Ocean freight charges, United States voluntary relief  
5 agencies: For payments authorized by section 409 (c),  
6 ~~\$2,300,000~~ \$1,910,000;

7 General administrative expenses: For expenses author-  
8 ized by section 411 (b), ~~\$37,000,000~~ \$38,000,000;

9 Atoms for peace: For assistance authorized by section  
10 419, ~~\$1,500,000~~ \$2,500,000;

11 President's Special Authority and Contingency Fund:  
12 For assistance authorized by section 451 (b), \$155,000,000.

13 Unobligated balances of funds heretofore made available  
14 under authority of the Mutual Security Act of 1954, as  
15 amended, and available as of June 30, 1959, are, except as  
16 otherwise provided, hereby continued available for the fiscal  
17 year 1960, for the same general purposes for which appro-  
18 priated.

19 Funds appropriated under each paragraph of this Act  
20 title (other than appropriations under the head of military  
21 assistance), including unobligated balances continued avail-  
22 able, and amounts certified pursuant to section 1311 of the  
23 Supplemental Appropriation Act, 1955, as having been obli-  
24 gated against appropriations heretofore made for the same  
25 general purpose as such paragraph, which amounts are



1 hereby continued available (except as may otherwise be  
 2 specified in this ~~Act~~ *title*) for the same period as the re-  
 3 spective appropriations in this ~~Act~~ *title* for the same general  
 4 purpose, may be consolidated in one account for each para-  
 5 graph.

## 6 DEPARTMENT OF STATE

7 Administrative *and other* expenses: For expenses of the  
 8 Department of State as authorized by section 411 (c) of the  
 9 Mutual Security Act of 1954, as amended, ~~\$7,900,000~~  
 10 \$8,100,000.

## 11 CORPORATION

12 The Development Loan Fund is hereby authorized to  
 13 make such expenditures within the limits of funds available  
 14 to it, and in accord with law, and to make such contracts and  
 15 commitments without regard to fiscal year limitations as  
 16 provided in section 104 of the Government Corporation Con-  
 17 trol Act, as amended, as may be necessary in carrying out  
 18 the programs set forth in the budget for the fiscal year  
 19 1960 for such corporation, except as hereinafter provided:

### 20 LIMITATION ON ADMINISTRATIVE EXPENSES, DEVELOP-

### 21 MENT LOAN FUND

22 Not to exceed ~~\$1,750,000~~ \$1,890,000 of the funds of  
 23 the Development Loan Fund shall be available during the  
 24 fiscal year 1960 for administrative expenses of the Fund cov-

1 ering the categories set forth in the fiscal year 1960 budget  
2 estimates for such expenses.

3 GENERAL PROVISIONS

4 SEC. 102. No part of any appropriation contained in  
5 this ~~Act~~ *title* shall be used for publicity or propaganda pur-  
6 poses within the United States not heretofore authorized by  
7 the Congress.

8 ~~SEC. 103. None of the funds herein appropriated for~~  
9 ~~Defense Support, the Development Loan Fund, Special As-~~  
10 ~~sistance or the President's Special Authority and Contin-~~  
11 ~~gency Fund shall be used to finance nonmilitary programs~~  
12 ~~or projects which have not met the standards and criteria~~  
13 ~~used in determining the feasibility of flood control, reclama-~~  
14 ~~tion and other water and related land resource programs and~~  
15 ~~projects proposed for construction within the continental~~  
16 ~~limits of the United States of America as per circular A-47~~  
17 ~~of the Bureau of the Budget, dated December 31, 1952.~~

18 *SEC. 103. None of the funds herein appropriated for*  
19 *Defense Support, the Development Loan Fund, Special As-*  
20 *sistance, or the President's Special Authority and Contin-*  
21 *gency Fund shall be used to fiance the construction of any*  
22 *new flood control, reclamation, or other water or related land*  
23 *resource project or program unless and until there is pre-*  
24 *pared on the basis of all available data a detailed evaluation*  
25 *which provides reasonable assurance that the total benefits*



1 of such project or program will be at least equivalent to the  
2 total costs thereof.

3 SEC. 104. Payments made from funds appropriated  
4 herein for engineering and architectural fees and services  
5 to any individual or group of engineering and architectural  
6 firms on any one project in excess of \$25,000 shall be  
7 reported to the Committee on Appropriations of the Senate  
8 and House of Representatives at least twice annually.

9 SEC. 105. Except for the appropriations entitled "Presi-  
10 dent's special authority and contingency fund" and "Devel-  
11 opment Loan Fund", not more than 20 per centum of any  
12 appropriation item made available by this ~~Act~~ title shall be  
13 obligated and/or reserved during the last month of  
14 availability.

15 SEC. 106. The appropriations and authority with respect  
16 thereto in this Act shall be available from July 1, 1959,  
17 for the purposes provided in such appropriations and author-  
18 ity. All obligations incurred during the period between  
19 June 30, 1959, and the date of enactment of this Act in  
20 anticipation of such appropriations and authority are hereby  
21 ratified and confirmed if in accordance with the terms hereof.

22 SEC. 107. None of the funds provided by this ~~Act~~ title  
23 nor any of the counterpart funds generated as a result  
24 of assistance under this ~~Act~~ title or any prior Act shall be used  
25 to pay pensions, annuities, retirement pay or adjusted service

1 compensation for any persons heretofore or hereafter serving  
2 in the armed forces of any recipient country.

3 SEC. 108. None of the funds herein appropriated shall  
4 be used to carry out the provisions of Section ~~205(1)~~ 205(l)  
5 of the Mutual Security Act of 1959.

6 SEC. 109. None of the funds herein appropriated shall  
7 be used to carry out the provisions of Section 401 (b) of  
8 the Mutual Security Act of 1959.

9 SEC. 110. None of the funds herein appropriated shall  
10 be used to carry out the provisions of Section ~~501~~ 501(b)  
11 of the Mutual Security Act of 1959.

12 ~~SEC. 111.~~ None of the funds herein appropriated shall  
13 be used to carry out the provisions of Chapter VI of the  
14 Mutual Security Act of 1959.

15 SEC. ~~112~~ 111. None of the funds contained in this title  
16 may be used to enter into a contract with any person,  
17 organization, company, or concern or any of its affiliates  
18 *(other than an organization, company, or concern not*  
19 *organized for profit and no part of the net earnings of*  
20 *which inures to the benefit of any private shareholder or*  
21 *individual)*, who has offered or who offers to provide com-  
22 pensation to an employee of the International Cooperation  
23 Administration or who provides compensation to any former  
24 employee of the International Cooperation Administration  
25 who has left employment with International Cooperation



1 Administration within two years from the date of employ-  
2 ment with said person, organization, company, or concern  
3 or any of its affiliates.

4       ~~SEC. 113.~~ None of the funds herein appropriated shall  
5 be used to carry out any provision of chapter II, III, or IV  
6 of the Mutual Security Act of 1954, as amended, during any  
7 period when more than twenty days have elapsed between  
8 the request for, and the furnishing of, any document, paper,  
9 communication, audit, review, finding, recommendation, re-  
10 port, or other material relating to the administration of such  
11 provision by the International Cooperation Administration,  
12 to the General Accounting Office or any Committee of the  
13 Congress, or any duly authorized Subcommittee thereof,  
14 charged with considering legislation or appropriation for or  
15 expenditures of the International Cooperation Administration  
16 and the Department of State.

17       *SEC. 112. (a) Within sixty days following the*  
18 *date of enactment of this Act, the President shall transmit to*  
19 *the Committee on Appropriations of the Senate and the Com-*  
20 *mittee on Appropriations of the House of Representatives a*  
21 *report containing a full and complete revision of the data*  
22 *presented to such committees in justification of appropriations*  
23 *requested for the Mutual Security program for the fiscal*  
24 *year 1960, showing any changes in such program approved*

1 TITLE II—DEPARTMENT OF THE ARMY—CIVIL  
2 FUNCTIONS

3 RYUKYU ISLANDS, ARMY

4 ADMINISTRATION

5 For expenses, not otherwise provided for, necessary to  
6 meet the responsibilities and obligations of the United States  
7 in connection with the government of the Ryukyu Islands,  
8 including, subject to such authorizations and limitations as  
9 may be prescribed by the Secretary of the Army, tuition,  
10 travel expenses, and fees incident to instruction in the United  
11 States or elsewhere of such persons as may be required to  
12 carry out the provisions of this appropriation; travel expenses  
13 and transportation; services as authorized by section 15 of  
14 the Act of August 2, 1946 (5 U.S.C. 55a), of individuals  
15 not to exceed ten in number; not to exceed \$3,000 for con-  
16 tingencies for the High Commissioner, to be expended in his  
17 discretion; translation rights, photographic work, educational  
18 exhibits, and dissemination of information, including preview  
19 and review expenses incident thereto; hire of passenger  
20 motor vehicles and aircraft; purchase of three passenger  
21 motor vehicles for replacement only; construction, repair,  
22 and maintenance of buildings, utilities, facilities, and appurte-  
23 nances; and such supplies, commodities, and equipment as  
24 may be essential to carry out the purposes of this appropria-  
25 tion; \$5,282,000, of which not to exceed \$1,633,000 shall be



1 available for administrative and information expenses: *Pro-*  
2 *vided*, That the general provisions of the Appropriation Act for  
3 the current fiscal year for the military functions of the Depart-  
4 ment of the Army shall apply to expenditures made from this  
5 appropriation: *Provided further*, That expenditures from  
6 this appropriation may be made outside continental United  
7 States when necessary to carry out its purposes, without re-  
8 gard to sections 355, 3648, and 3734, Revised Statutes, as  
9 amended, section 4774 (d) of title 10, United States Code,  
10 civil service or classification laws, or provisions of law pro-  
11 hibiting payment of any person not a citizen of the United  
12 States: *Provided further*, That expenditures may be made  
13 hereunder for the purposes of economic rehabilitation in the  
14 Ryukyu Islands in such manner as to be consistent with the  
15 general objectives of titles II and III of the Mutual Security  
16 Act of 1954, and in the manner authorized by sections 505  
17 (a) and 522 (e) thereof: *Provided further*, That funds ap-  
18 propriated hereunder may be used, insofar as practicable, and  
19 under such rules and regulations as may be prescribed by the  
20 Secretary of the Army to pay ocean transportation charges  
21 from United States ports, including Territorial ports, to ports  
22 in the Ryukyus for the movement of supplies donated to, or  
23 purchased by, United States voluntary nonprofit relief agen-  
24 cies registered with and recommended by the Advisory Com-

1 mittee on Voluntary Foreign Aid or of relief packages con-  
2 signed to individuals residing in such areas: *Provided fur-*  
3 *ther*, That under the rules and regulations to be prescribed,  
4 the Secretary of the Army shall fix and pay a uniform rate  
5 per pound for the ocean transportation of all relief packages  
6 of food or other general classification of commodities shipped  
7 to the Ryukyus regardless of methods of shipment and higher  
8 rates charged by particular agencies of transportation, but  
9 this proviso shall not apply to shipments made by individuals  
10 to individuals: *Provided further*, That the President may  
11 transfer to any other department or agency any function or  
12 functions provided for under this appropriation, and there  
13 shall be transferred to any such department or agency with-  
14 out reimbursement and without regard to the appropriation  
15 from which procured, such property as the Director of the  
16 Bureau of the Budget shall determine to relate primarily to  
17 any function or functions so transferred.

18 "CONSTRUCTION OF POWER SYSTEMS, RYUKYU  
19 ISLANDS

20 "For loans by the Secretary of the Army to the Ryukyu  
21 Electric Power Corporation, an instrumentality of the  
22 United States Civil Administration of the Ryukyu Islands,  
23 for construction, installation, and equipment of electric power  
24 systems in the Ryukyu Islands, \$18,000,000, to remain  
25 available until expended: *Provided*, That repayment of such



1 *loans shall be made to miscellaneous receipts of the Treasury*  
2 *over a period of twenty-five years to commence five years*  
3 *after the date any such loan is made, with interest at such*  
4 *rate as may be fixed by the Secretary of the Treasury, taking*  
5 *into consideration the current average market yields of out-*  
6 *standing marketable obligations of the United States having*  
7 *a comparable maturity."*

8       **TITLE III—EXPORT-IMPORT BANK OF**  
9                               **WASHINGTON**

10       The Export-Import Bank of Washington is hereby  
11 authorized to make such expenditures within the limits of  
12 funds and borrowing authority available to such corporation,  
13 and in accord with law, and to make such contracts and  
14 commitments without regard to fiscal year limitations as  
15 provided by section 104 of the Government Corporation  
16 Control Act, as amended, as may be necessary in carrying out  
17 the programs set forth in the budget for the fiscal year  
18 1960 for such corporation, except as hereinafter provided:

19       **LIMITATION ON ADMINISTRATIVE EXPENSES, EXPORT-**  
20                               **IMPORT BANK OF WASHINGTON**

21       Not to exceed \$2,500,000 (to be computed on an  
22 accrual basis) of the funds of the Export-Import Bank  
23 of Washington shall be available during the current fiscal  
24 year for administrative expenses of the Bank, including  
25 services as authorized by section 15 of the Act of August 2,

1 1946 (5 U.S.C. 55a), at rates not to exceed \$75 per diem  
2 for individuals, and not to exceed \$9,000 for entertainment  
3 allowances for members of the Board of Directors when  
4 specifically authorized by the Chairman of the Board; and,  
5 in addition, not to exceed the equivalent of \$200,000 of  
6 the aggregate amount of foreign currencies made available  
7 to the Export-Import Bank for loans pursuant to the Agri-  
8 cultural Trade Development and Assistance Act of 1954, as  
9 amended, shall be available during the current fiscal year  
10 for expenses incurred by the Export-Import Bank incident  
11 to such loans: *Provided*, That fees or dues to international  
12 organizations of credit institutions engaged in financing  
13 foreign trade and necessary expenses (including special  
14 services performed on a contract or fee basis, but not  
15 including other personal services) in connection with the  
16 acquisition, operation, maintenance, improvement, or dis-  
17 position of any real or personal property belonging to the  
18 Bank or in which it has an interest, including expenses of  
19 collections of pledged collateral, or the investigation or  
20 appraisal of any property in respect to which an application  
21 for a loan has been made, shall be considered as nonadmin-  
22 istrative expenses for the purposes hereof.



1     *TITLE IV,—ADDITIONAL SUPPLEMENTAL*2                     *APPROPRIATIONS*3     *EXECUTIVE OFFICE OF THE PRESIDENT*4         *OFFICE OF CIVIL AND DEFENSE MOBILIZATION*5                     *SALARIES AND EXPENSES*

6         *For an additional amount for "Salaries and expenses",*  
7     *to be allocated for expenses necessary to discharge such civil*  
8     *defense and defense mobilization functions performed by*  
9     *other Federal agencies, as may be designated by the Office*  
10    *of Civil and Defense Mobilization, including payments by*  
11    *Department of Labor to State employment security agencies*  
12    *for the full cost of administration of defense manpower*  
13    *mobilization activities, \$6,500,000.*

14                     *DEPARTMENT OF COMMERCE*15                     *GENERAL ADMINISTRATION*16                     *PARTICIPATION IN CENTURY 21 EXPOSITION*

17         *For expenses necessary to carry out the provisions of*  
18    *the Act of September 2, 1958 (72 Stat. 1703), as amended,*  
19    *including not to exceed \$5,000 for official entertainment ex-*  
20    *penses, \$12,500,000, to remain available until expended:*  
21    *Provided, That this amount shall be available only upon*

1 enactment of S. 2065 or H.R. 8374, Eighty-sixth Congress,  
2 or similar legislation.

3 BUREAU OF PUBLIC ROADS

4 FEDERAL-AID HIGHWAYS (TRUST FUND)

5 For an additional amount for "Federal-aid highways  
6 (trust fund)", to remain available until expended, \$188,-  
7 000,000, or so much thereof as may be available in and  
8 derived from the "Highway trust fund", which sum is part  
9 of the amount authorized to be appropriated for the fiscal  
10 year 1959.

11 HIGHWAY TRUST FUND

12 For repayable advances to the "Highway trust fund"  
13 during the current fiscal year, as authorized by section 209  
14 (d) of the Highway Revenue Act of 1956 (70 Stat. 399),  
15 \$359,000,000: Provided, That all such advances shall be  
16 repaid to this appropriation on or before June 30, 1960,  
17 and upon such repayment this account shall be withdrawn.

18 DISTRICT OF COLUMBIA

19 (District of Columbia Funds)

20 OPERATING EXPENSES

21 METROPOLITAN POLICE

22 For an additional amount for "Metropolitan Police",  
23 \$406,000, of which \$60,000 shall be payable from the High-  
24 way fund and \$346,000, from the general fund.



1 DEPARTMENT OF HEALTH, EDUCATION, AND  
2 WELFARE

3 PUBLIC HEALTH SERVICE

4 GRANTS FOR WASTE TREATMENT WORKS CONSTRUCTION

5 The amount appropriated under this head in the "Sup-  
6 plemental Appropriation Act, 1960" shall remain available  
7 until five days after the approval of this Act.

8 CONSTRUCTION OF INDIAN HEALTH FACILITIES

9 For an additional amount for "Construction of Indian  
10 health facilities", including the purposes of Public Law 86-  
11 121, approved July 31, 1959, \$200,000.

12 INDEPENDENT OFFICES

13 FEDERAL AVIATION AGENCY

14 EXPENSES

15 For an additional amount for "Expenses", \$17,000,000,  
16 to be derived by transfer from the appropriation for "Estab-  
17 lishment of air navigation facilities", fiscal year 1960; and  
18 the limitation under the head "Expenses" in the Independent  
19 Offices Appropriation Act, 1960, on the amount available  
20 for expenses of travel is increased from "\$13,500,000" to  
21 "\$14,125,000".

22 ESTABLISHMENT OF AIR NAVIGATION FACILITIES

23 Not to exceed \$4,000,000 of the appropriation made  
24 available under this head in the Independent Offices Ap-

1    *appropriation Act, 1960, shall be available for expenses of*  
2    *travel.*

3            *CONSTRUCTION AND DEVELOPMENT, ADDITIONAL*  
4            *WASHINGTON AIRPORT*

5            *For an additional amount for "Construction and devel-*  
6    *opment, additional Washington Airport", \$2,450,000.*

7            *HISTORICAL AND MEMORIAL COMMISSIONS*

8            *FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION*

9            *For expenses necessary to carry out the provisions of*  
10    *the Act of August 11, 1955 (69 Stat. 694), as amended,*  
11    *\$150,000, to remain available until expended.*

12           *NATIONAL LABOR RELATIONS BOARD*

13           *SALARIES AND EXPENSES*

14           *For an additional amount for "Salaries and expenses",*  
15    *including rental of office space in the District of Columbia,*  
16    *\$500,000: Provided, That this paragraph shall be effec-*  
17    *tive only upon the enactment into law of the Labor-Manage-*  
18    *ment Reporting and Disclosure Act of 1959.*

19           *HOUSING AND HOME FINANCE AGENCY*

20           *OFFICE OF THE ADMINISTRATOR*

21           *SALARIES AND EXPENSES*

22           *For an additional amount for "Salaries and expenses",*  
23    *\$290,000, of which \$220,000 shall be available only upon*  
24    *the enactment into law of legislation continuing beyond*  
25    *September 30, 1959, the program authorized by title VI*



1 of the Housing Act of 1954, as amended (68 Stat. 590,  
2 637).

3 URBAN PLANNING GRANTS

4 For an additional amount for "Urban planning grants",  
5 \$1,000,000: Provided, That this paragraph shall be effective  
6 only upon the enactment into law of legislation amending  
7 section 701 of the Housing Act of 1954, as amended, so  
8 as to authorize appropriation of the foregoing amount.

9 DEPARTMENT OF THE INTERIOR

10 BUREAU OF INDIAN AFFAIRS

11 DISTRIBUTION OF FUNDS OF THE CREEK INDIANS

12 For an additional amount for necessary expenses inci-  
13 dent to the distribution of funds belonging to members of  
14 the Creek Nation of Indians, in accordance with the Act  
15 of August 1, 1955 (69 Stat. 431), as amended, \$100,000,  
16 to remain available until expended: Provided, That this para-  
17 graph shall be effective only upon the enactment into law of  
18 S. 2339, or H.R. 8317, Eighty-sixth Congress, or similar  
19 legislation.

20 DEPARTMENT OF LABOR

21 LABOR-MANAGEMENT REPORTING AND DISCLOSURE

22 ACTIVITIES

23 SALARIES AND EXPENSES

24 For expenses necessary for the performance of the  
25 functions vested in the Secretary by the Labor-Management

1 *Reporting and Disclosure Act of 1959, including services*  
2 *as authorized by section 15 of the Act of August 2, 1946*  
3 *(5 U.S.C. 55a), and rental of office space in the District*  
4 *of Columbia, \$2,000,000: Provided, That this paragraph*  
5 *shall be effective only upon the enactment into law of the*  
6 *Labor-Management Reporting and Disclosure Act of 1959.*

7 *TREASURY DEPARTMENT*

8 *BUREAU OF THE MINT*

9 *SALARIES AND EXPENSES*

10 *For an additional amount for "Salaries and ex-*  
11 *penses", \$300,000.*

12 *U.S. COAST GUARD*

13 *OPERATING EXPENSES*

14 *For an additional amount for "Operating expenses",*  
15 *\$800,000.*

16 *TITLE V*

17 *CLAIMS FOR DAMAGES AND JUDGMENTS*

18 *For payment of claims for damages as settled and deter-*  
19 *mined by departments and agencies in accord with law and*  
20 *judgments rendered against the United States by United*  
21 *States district courts as set forth in Senate Document Num-*  
22 *bered 48, Eighty-sixth Congress, \$384,508, together with*  
23 *such amounts as may be necessary to pay interest (as and*  
24 *when specified in such judgments or provided by law) and*  
25 *such additional sums due to increases in rates of exchange*



1 *as may be necessary to pay claims in foreign currency: Pro-*  
2 *vided, That no judgment herein appropriated for shall be*  
3 *paid until it shall have become final and conclusive against the*  
4 *United States by failure of the parties to appeal or otherwise:*  
5 *Provided further, That, unless otherwise specifically required*  
6 *by law or by the judgment, payment of interest wherever ap-*  
7 *propriated for herein shall not continue for more than thirty*  
8 *days after the date of approval of this Act.*

9       This Act may be cited as the “Mutual Security Appro-  
10 priation Act, 1960”.

Passed the House of Representatives July 29, 1959.

Attest:

RALPH R. ROBERTS,

*Clerk.*

Calendar No. 1013

86TH CONGRESS  
1ST Session

**H. R. 8385**

[Report No. 981]

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# AN ACT

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Making appropriations for Mutual Security  
and related agencies for the fiscal year end-  
ing June 30, 1960, and for other purposes.

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JULY 29, 1959

Read twice and referred to the Committee on  
Appropriations

SEPTEMBER 8 (legislative day, SEPTEMBER 5), 1959  
Reported with amendments









Sept 9, 1959 (159)

SENATE

12. APPROPRIATIONS. The Appropriations Committee reported (Sept. 8) with amendments H. R. 8385, the mutual security appropriation bill for 1960 (S. Rept. 981) (p. 17147). In reporting this bill the Committee agreed to amendments to:
- Add an item of \$6,500,000 to be allocated by the Office of Civil and Defense Mobilization for new civil defense activities performed by other Federal agencies. The Budget Estimate of \$9,000,000 included \$477,000 for this Department to provide funds for non-military defense activities.
  - Increase the Development Loan Fund to \$590,000,000.
  - Increase technical cooperation to \$160,000,000.
  - Decrease ocean freight for relief shipments of voluntary agencies to \$1,910,000.
  - Provide that "None of the funds herein appropriated for carrying out mutual assistance or economic development programs, shall be used to provide facilities for, or to increase, the production of any agricultural commodity or product for marketing outside the country of production in competition with any agricultural commodity, or any product thereof, which is in surplus supply in the United States."
  - Add an item of \$12,500,000 for Federal participation in the Century 21 Exposition to be held in Seattle in 1961-2.
  - Extend the Commission on Civil Rights for 2 years and provide \$500,000 additional for its expenses.
  - Add items for payment of claims and judgments against the Government.
13. PERSONNEL. Passed without amendment H. R. 5752, to grant Federal employees legal holidays on Friday for holidays occurring on Saturday. This bill will now be sent to the President. p. 17200
- Passed over, at the request of Sen. Keating, H. R. 6059, to provide additional scientific research and development positions to the Defense Department and to liberalize the Federal Employees Group Life Insurance Act (p. 17212). As reported by the Post Office and Civil Service Committee, the bill provides the following amendments to the Life Insurance Act: Continues the full amount of life insurance without reduction so long as the employee remains in the service; provides that the reduction in insurance at age 65 or upon separation from the service, whichever occurs later, would be cut to 1 percent per month and would cease when the policy has been reduced to 50 percent of its face value; reduces the 15-year service requirement for free insurance after retirement on an immediate annuity to 12 years; and increases from 25 cents to 32 cents the maximum biweekly deduction per \$1000 of group life insurance which is withheld from the salaries of insured employees under the age of 65 effective the first day of the first pay period after date of enactment.
14. HOUSING. By a vote of 86 to 7, passed without amendment S. 2654, the new housing bill. (pp. 17227-41) As passed the bill extends the farm housing research program for 2 additional years (until June 30, 1961), and authorizes appropriations of \$100,000 for this period.
15. WATER POLLUTION. By a vote of 61 to 27, passed with amendments H. R. 3610, to increase grants that may be made by the Public Health Service for the construction of sewage treatment works under the Federal Water Pollution Control Act. pp. 17244, 17252-61
16. RECLAMATION. Passed without amendment H. R. 4279, to authorize the Secretary of the Interior to construct and maintain the lower Rio Grande rehabilitation project, Texas, La Feria division. This bill will now be sent to the President. pp. 17220-2



Passed as reported H. R. 1778, to grant the Interior Department permanent authority for granting deferments in the payment of certain reclamation construction charges. p. 17226

Passed without amendment H. R. 839, to approve an order of the Secretary of the Interior adjusting certain irrigation charges against non-Indian-owned lands under the Wapato Indian Irrigation project, Wash. This bill will now be sent to the President. p. 17204

17. TAXATION. Passed over, at the request of Sen. Keating, S. 910, to authorize the payment to local governments of sums in lieu of taxes and special assessments on certain Federal real property. (p. 17207). Sen. Hruska urged enactment of this bill. p. 17270
18. AIR POLLUTION. Passed with amendments H. R. 7476, to extend for 4 additional years (until June 30, 1964) the authority of the Surgeon General of the Public Health Service with respect to air pollution control. pp. 17208-9
19. LANDS. Passed as reported S. 2061, to authorize the issuance of prospecting permits for phosphate in lands belonging to the U. S. p. 17212
20. OLEOMARGARINE. Passed over, at the request of Sen. Engle, S. 2168, to amend the Navy ration statute so as to provide for the serving of oleomargarine or margarine. p. 17213
21. RADIOACTIVITY; RESEARCH. Passed as reported S. 1806, to revise the "Explosives and Combustibles" transportation chapter of the Criminal Code so as to include the transportation of radioactive materials and etiologic agents as an illegal act. pp. 17214-7
22. FOREIGN AFFAIRS. Received from the President a message withdrawing from the Senate certain treaties and understanding, including a "Convention Concerning Statistics of Wages and Hours of Work in the Principal Mining and Manufacturing Industries, Including Building and Construction, and in Agriculture, adopted by the International Labor Conference, Geneva, June 2-22." pp. 17147-8  
Passed without amendment S. 2633, to make certain amendments to the Foreign Service Act of 1946, including a provision to facilitate uniform employment practices abroad by all U. S. Government agencies. This latter amendment to the Act would authorize Government agencies performing functions abroad to administer local employee programs in accordance with the applicable provisions of the Foreign Service Act (including authority now available to the State Department in their employment of aliens overseas). pp. 17157-69
23. EXHIBITS; IMPORTS. Postponed indefinitely H. R. 6249, to liberalize the tariff laws for works of art and other exhibition material. Rep. Engle stated that no action was necessary on this bill since its language is covered "by a bill which presently is at the White House" awaiting signature. p. 17207
24. SURPLUS PROPERTY. Received from HEW a proposed bill "to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the use of surplus personal property by State distribution agencies"; to Government Operations Committee. p. 17152
25. FISH RESEARCH. The Interstate and Foreign Commerce Committee reported without amendment H. R. 5004, to authorize and direct the Interior Department to undertake continuing research on the biology, fluctuations, status, and statistics of the migratory marine species of game fish of the U. S. and contiguous waters (S. Rept. 987). p. 17154









Sept 10, 1959

SENATE

10. WHEAT. Passed as reported S. 2449, to extend the International Wheat Agreement Act of 1949 to cover the International Wheat Agreement, 1959. The committee report states that the amendments are "purely technical, making no change in substance." p. 17433
11. FEED; DISASTER RELIEF. Concurred in the House amendments to S. 2504, to authorize this Department to sell at current support prices CCC feed for live-stock in emergency areas. This bill will now be sent to the President. pp. 17396-7
12. FARM LOANS. Agreed to the conference report on H. R. 7629, to extend for 2 years, until June 30, 1961, the authority of the Farmers' Home Administration to make real estate loans for refinancing farm debts, and providing that growing or recently harvested crops shall be included in computing a farmer's assets in making loans under this authority. This bill will now be sent to the President. p. 17397
13. PERSONNEL. Concurred in the House amendments to S. 1845, to grant this Department 10 additional Public Law 313 positions, increase the salaries of certain Administrative Assistant Secretaries (including this Department), and revise the basic rates of compensation of certain other Government positions (see Digest 157 for a summary of the provisions of the bill). This bill will now be sent to the President. pp. 17399-400  
Concurred in the House amendments, with additional amendments, to S. 2162, to provide a health benefits program for Federal employees. Sen. Johnston explained that the Senate amendments "make it clear that the price figures established in the bill by the House apply to the purchase of health benefits and do not include auxiliary costs in addition to sharing the cost of the health benefits purchased" and "make clear that both Government and employees will share these auxiliary costs in addition to sharing the cost of the health benefits purchased" and provides for "a Director of Retirement and Insurance." pp. 17402-7  
Passed as reported H. R. 4283, to amend the District of Columbia Income and Franchise Tax Act of 1947 so as to provide that certain officers of the executive branch of the Federal Government appointed by the President and confirmed by the Senate shall be exempt from the act. pp. 17431-2
14. WATER UTILIZATION. Passed without amendment S. 1605, to grant the consent of Congress to Kan. and Nebr. to negotiate and enter into a compact relating to the apportionment of the waters of the Big Blue River and its tributaries as they affect these States. p. 17374
15. PATENTS; PLANTS. Passed over, at the request of Sen. Prouty, S. 1447, to amend Sec. 161, title 35, U. S. Code, with respect to patents for plants so as to eliminate the exclusion of tuber propagated plants from being patented. p. 17375
16. MINERALS. Passed without amendment S. 1537, to establish a national mining and minerals policy. pp. 17382-3  
Agreed to H. Con. Res. 177, requesting the President to have reviews made, and to report to Congress, on the more effective use of Government programs in increasing production and employment in critically depressed mining and mineral industries affecting public and other lands. p. 17383

17. WATER RESOURCES. Passed as reported S. 2628, to establish a U. S. Study Commission on the Development of the Rivers, Ports, and Drainage Basins (and intervening areas) of Alaska. pp. 17384-7
18. INSPECTION SERVICES; IMPORTS. Passed with amendments H. R. 8582, to authorize the construction of a toll bridge across the Rio Grande near Los Indios, Tex. (a similar bill S. 2531 was indefinitely postponed) (pp. 17388-92), and H. R. 8694, to authorize the construction of a toll bridge across the Rio Grande at or near Rio Grande City, Tex. (a similar bill S. 2590 was indefinitely postponed) (p. 17392). Both these bills would affect this Department's inspection service costs regarding imports.
19. MUTUAL SECURITY APPROPRIATION BILL, 1960. Passed over, at the request of Sen. Morse, this bill, H. R. 8385. p. 17392
20. FOREIGN AID. Passed without amendment S. 1697, to amend the Mutual Defense Assistance Control Act of 1951 so as to permit, if the President finds it to be in the national interest, U. S. aid to any foreign country except Russia and Communist-held areas of the Far East. pp. 17401-2
21. APPROPRIATIONS; CLAIMS. Received from the President a supplemental appropriation estimate to pay claims for damages and a judgment rendered against the U. S. in the amount of \$323,629, together with such amount as may be necessary to pay indefinite interest (S.Doc. 56). p. 17342
22. INFLATION. Sen. Byrd, Va., termed inflation "our No. 1 domestic problem," and inserted two articles on the subject. pp. 17353-5
23. CONSERVATION CORPS. Sen. Morse inserted an article showing that Gov. Rockefeller favors youth camps for juveniles in New York and associated this position with the principle involved in S. 812, the Youth Conservation Corps bill, that has passed the Senate and is awaiting action in the House. pp. 17356-7  
Sen. Randolph and others urged support in the House for the Youth Conservation Corps bill. p. 17362-3
24. FORESTRY. Sen. Moss praised the work of the Forest Service smokejumpers and others in alleviating the destructive results of the recent Montana earthquake. pp. 17359-60
25. CONGRESSIONAL RECESS. Sen. Smith urged support for her resolution to have Congress recess for a period each summer. pp. 17348-9
26. FISH AND WILDLIFE. Concurred in the House amendment to S. 1575, to authorize the appropriation of \$2,565,000 to Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife. This bill will now be sent to the President. p. 17407
27. INTERGOVERNMENTAL RELATIONS. Passed with amendment H. R. 6904, to establish an Advisory Commission on Intergovernmental Relations, after substituting the language of a similar bill, S. 2026, as amended. S. 2026 was indefinitely postponed. Senate conferees were appointed. pp. 17408-17
28. SMALL BUSINESS. Passed with amendment H. R. 8599, to provide an additional \$75 million for the Small Business Administration's revolving fund, after substituting the language of a similar bill, S. 2612, as amended. pp. 17427-8



higher tolls will be required than if the bridge operators may only require a fair return on their investment.

Tolls must be kept low on Rio Grande bridges, and higher tolls than those prevailing at the present time could easily spell the difference between economic life and death.

The principal reason that the limitation proposed in the minority views to report No. 980 has no application here is that neither the United States, the State of Texas, nor any other governmental agency has agreed to undertake the responsibility of operating the bridge toll free after the construction costs have been recovered. And this duty certainly cannot be imposed on a private person.

For these reasons, I could not under any circumstances agree to the type of limitation proposed in the minority views. I have reluctantly agreed to accept an amendment which would limit the authority granted under this bridge to a period of 66 years. I have done so not because I think such an amendment is necessary, but because I do not desire to engage the time of the Senate in an extended debate.

I believe that the reasons set forth in the committee report on S. 2531 and S. 2590 set out accurately and succinctly the principal reasons why the bill should be passed as reported by the committee.

I ask unanimous consent that appropriate portions of the committee report be printed in the RECORD at this point in my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

The Committee on Foreign Relations, having had under consideration H.R. 3180, to extend for an additional 3 years the time within which the State of Michigan may commence and complete the construction of certain projects heretofore authorized by the Congress, and S. 2531 and S. 2590, to authorize the San Benito International Bridge Co. and the Starr-Camargo Bridge Co. to construct, maintain, and operate toll bridges across the Rio Grande, reports them favorably and recommends that they be passed by the Senate.

#### S. 2531 AND S. 2590

S. 2531, to authorize the San Benito International Bridge Co. to construct, maintain, and operate a toll bridge across the Rio Grande River near Los Indios, Tex., was introduced by Senator RALPH YARBOROUGH and referred to the Committee on Foreign Relations on August 12, 1959. A companion measure, H.R. 8582, was introduced in the House of Representatives by Congressman JOE M. KILGORE on August 10, 1959, and reported favorably by the House Committee on Foreign Affairs on August 31, 1959. H.R. 8582 was passed by the House on September 7, 1959.

S. 2590, to authorize the Starr-Camargo Bridge Co. to construct, maintain, and operate a toll bridge across the Rio Grande at or near Rio Grande City, Tex., was introduced by Senator LYNDON B. JOHNSON and referred to the Committee on Foreign Relations on August 24, 1959. H.R. 8694, a companion bill was introduced in the House of Representatives by Congressman JOE M. KILGORE on August 17, 1959, and reported favorably by the House Committee on Foreign Affairs on August 31, 1959. H.R. 8694 was passed by the House on September 7, 1959.

The bills provide that each bridge company is authorized to construct, maintain, and operate a toll bridge in accordance with the

provisions of the Bridge Act of 1906, subject to the further approval of the International Boundary and Water Commission, United States and Mexico, and also subject to the approval of the proper authorities in the Republic of Mexico. Each company is also authorized to fix and charge tolls in accordance with any laws of the State of Texas or the United States applicable thereto. In addition, each bridge company is granted the right to sell, assign, transfer, and mortgage all its rights, powers, and privileges to any public agency, or to an international bridge authority or commission. The authority granted under S. 2531 and S. 2590 will be null and void unless the actual construction of the bridge is commenced within 3 years and completed within 5 years from the date of enactment of the bills.

#### COMMITTEE ACTION

Legislation dealing with the construction, maintenance, and operation of bridges across international boundaries was considered by the committee in executive session on August 24, and September 1 and 4, 1959. During these sessions the committee heard the testimony of Senator Ralph Yarborough; Senator Philip A. Hart; Congressman Victor A. Knöx; Mr. Robert Kennedy, Office of Engineers of the Department of the Army; Mr. Melville Osborn of the Department of State, Mr. Sam R. Broadbent of the Bureau of the Budget, and Mr. Walter Kurylo, Bureau of Public Roads of the Department of Commerce.

Discussion of the bridge bills pending before the committee centered around the questions of whether adequate provision was made for auditing the accounts of the authorities engaged in the construction of the bridges and whether provision should be made for a terminal date by which time authorities constructing the bridges would be required to relinquish their right to collect tolls for maintenance and use of the bridges.

H.R. 3180 grants authority to construct the St. Marys River Bridge to a public authority and provision is made for relinquishment of toll collections within a reasonable time, but not to exceed 40 years. The laws of the State of Michigan are applicable to auditing the bridge account.

S. 2531 and S. 2590 contain no provision for auditing and limiting the time when tolls might be collected for these two bridges across the Rio Grande River. The Bridge Act of 1906, however, provides that the tolls charged shall be reasonable.

When objection was received in the committee to granting authority for the collection of tolls in effect "in perpetuity," the following factors were considered and in the judgment of the majority of the committee justify the passage of these two bills:

(1) Acts of Congress authorizing the construction of other bridges across the Rio Grande River by private authority have not contained a limitation on the collection of tolls, except that provided in the Bridge Act of 1906, namely, that the tolls charged shall be reasonable.

(2) The committee felt that if provision is to be made limiting the period of time during which a private authority may collect tolls, that provision should be adopted in the form of an amendment to the Bridge Act of 1906, and should not be in the nature of an amendment to specific bridge bills.

(3) If the Congress is not to begin applying a new standard, limiting the period of time when tolls may be collected on bridges along the Rio Grande River, it is not known what the effect might be on other privately operated bridges, since if a free bridge is operated within a short distance of a toll bridge, the value of the existing toll bridge would be destroyed.

(4) Testimony was received to the effect that unless the bridges authorized by S. 2531 and S. 2590 are constructed by private companies, they will not be built.

(5) The committee felt that the people of the State of Texas where these bridges are to be constructed will be able to protect their own interests should private toll bridges misuse the construction franchise which is in effect provided by the pending bills. In addition the power of expropriation with just compensation resides with the State. Furthermore, should the State or some public authority decide to construct tollfree bridges at points competitive with toll bridges, the effect would undoubtedly be to lower, or eliminate tolls on such bridges.

There is no expenditure of Federal funds involved in these bills, and the executive branch is not opposed to the enactment of this legislation. Bearing in mind the reasons stated above, and since the bills conform to previous international bridge legislation, the committee, by a vote of 7 to 6, voted to report them favorably to the Senate.

The PRESIDING OFFICER. The House bill will be read by title for the information of the Senate.

The CHIEF CLERK. A bill (H.R. 8582) to authorize the San Benito International Bridge Co. to construct, maintain, and operate a toll bridge across the Rio Grande near Los Indios, Tex.

The PRESIDING OFFICER. Is there objection to the present consideration of House bill 8582?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, if the Senator from Ohio will send his amendment to the desk, I ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Ohio will be stated.

The CHIEF CLERK. On page 1, at the beginning of line 4, it is proposed to strike out "Benito, Texas, is authorized to construct, maintain, and operate a toll bridge, and approaches thereto, across the Rio Grande at or near Los Indios, Texas", and insert "Benito, Texas, is authorized to construct a toll bridge and approaches thereto across the Rio Grande, at a point suitable to the interests of navigation, at or near Los Indios, Texas, and for a period of 66 years from the date of completion of said bridge, to maintain and operate same and to collect tolls for the use thereof, so far as the United States has jurisdiction over the waters of such river."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

Mr. YARBOROUGH. Mr. President, the amendment is offered to the bill which I introduced. While I will not object to the amendment at this time, at the same time I do not agree to it.

The chamber of commerce is out selling stock to raise enough money to build the bridge. They say they cannot raise it. We can put that limitation in the bill, and see what can be done about financing.

I am opposed to toll bridges. My State is opposed to them. There is not a single toll bridge or toll road in Texas, except one between Fort Worth and Dallas, built under one of the authorities.

On the Rio Grande toll bridges cannot be avoided. The Federal Govern-



ment has three toll bridges across the Rio Grande near El Paso.

I offered to withdraw the bills if we could obtain a Federal grant. We asked the Bureau of the Budget, and the Bureau of the Budget said it had a policy of no new starts. I shall be glad to withdraw the bills if the Federal Government will build the bridges.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. MANSFIELD. The Senator is acceding reluctantly because there is no other course.

Mr. YARBOROUGH. The Senator is correct.

When such a toll bridge is built the American interests must pay the entire cost of building the bridge, but when it is finished, inasmuch as Mexico owns the river from the center of the channel south, the only way to obtain a franchise to build over Mexico's half of the river is to give Mexico title to half of the bridge, although the entire cost of the bridge is paid by the government which builds it.

Also half of the tolls are paid to Mexico, as a condition for permitting the building of a bridge over Mexico's half of the river. That is why it is so difficult to finance the bridges.

The table on page 45 of the hearings shows the tolls charged to cross the Rio Grande. They run from 2 to 10 cents. For cars they average from 20 to 25 cents per car and driver. There is one toll as high as 60 cents, at El Paso. Where most of the bridges cross, the toll is a dime for the car and driver.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### TOLL BRIDGE ACROSS RIO GRANDE NEAR RIO GRANDE CITY, TEX.

The bill (S. 2590) to authorize the Starr-Camargo Bridge Co. to construct, maintain, and operate a toll bridge across the Rio Grande at or near Rio Grande City, Tex., was announced as next in order.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that Calendar No. 1010, Senate bill 2590, be indefinitely postponed. When Calendar No. 1011, House bill 8694, is reached, I shall ask the Senator from Ohio to offer his amendment.

The PRESIDING OFFICER. Without objection, Senate bill 2590 is indefinitely postponed.

The Senate proceeded to consider the bill (H.R. 8694) to authorize the Starr-Camargo Bridge Co. to construct, maintain, and operate a toll bridge across the Rio Grande at or near Rio Grande City, Tex.

Mr. LAUSCHE. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Ohio will be stated.

The CHIEF CLERK. On page 1, line 5, it is proposed to strike out "construct, maintain, and operate a toll bridge and approaches thereto across the Rio Grande, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near Rio Grande City, Texas", and insert "construct a toll bridge and approaches thereto across the Rio Grande, at a point suitable to the interests of navigation, at or near Rio Grande City, Texas, and for a period of 66 years from the date of completion of said bridge, to maintain and operate same and to collect tolls for the use thereof, so far as the United States has jurisdiction over the waters of such river".

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the votes by which House bill 8582, Calendar No. 1009, and House bill 8694, Calendar No. 1011, were passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### COMMENCEMENT AND COMPLETION OF CERTAIN PROJECTS BY THE STATE OF MICHIGAN

The bill (S. 3180) to extend for an additional 3 years the time within which the State of Michigan may commence and complete the construction of certain projects heretofore authorized by Congress was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Saint Marys River, from a point in or near the city of Sault Sainte Marie, Michigan, to a point in the Province of Ontario, Canada", approved December 16, 1940 (54 Stat. 1222; Public Law 889, Seventy-sixth Congress), is hereby revived and reenacted: Provided, That this Act shall be null and void unless the actual construction of the bridge, or series of bridges, causeways, and approaches thereto, referred to in such Act of December 16, 1940, is commenced within three years, and completed within six years, from the date of enactment of this Act.*

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

#### BILL PASSED OVER

The bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June

30, 1960, and for other purposes, was announced as next in order.

Mr. MORSE. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HART. Mr. President, we do not have reports available on any further bills.

#### ADDITIONAL POWERS FOR THE BI-STATE DEVELOPMENT AGENCY BY MISSOURI AND ILLINOIS

Mr. HART. Mr. President, there was one bill placed at the foot of the calendar, namely, Calendar No. 953, House Joint Resolution 465. I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The CHIEF CLERK. A joint resolution (H.J. Res. 465) approving certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HART. Some years ago the Congress authorized the States of Missouri and Illinois to organize and sponsor a Bi-State Development Agency. This was done. The joint resolution before us now proposes to approve additional authority which was granted by the two State legislatures to this agency. The additional powers involve general revenue, bond financing, and a clearer definition of the facilities which the agency may operate.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading, read a third time, and passed.

#### PUBLIC WORKS APPROPRIATION BILL, 1960—VETO MESSAGE

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, returning, without his approval, the bill (H.R. 9105) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1960, and for other purposes, which was read.

(For President's message, see House proceedings of today.)

Mr. JOHNSON of Texas. Mr. President, I am about to suggest the absence of a quorum. I ask the aids on both sides of the aisle to notify Senators. I will withdraw the quorum call when the end of the list is reached, if I may do so, but I wish to notify the minority leader and other Senators.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.









Sept 11, 1959

9. MILK PRICES. Sen. Proxmire stated that certain Wisconsin farmers are planning a milk strike, if necessary, "to enforce an adequate price for milk," urged this Department to take action to alleviate the situation and inserted two articles on the subject. pp. 17500-1
10. AREA REDEVELOPMENT. Sen. Douglas inserted a statement entitled, "The Ever-Present Pressing Need for an Area Redevelopment Bill." pp. 17503-6
11. RADIOACTIVITY. Passed as reported S. 2568, to amend the Atomic Energy Act of 1954, as amended, with respect to cooperation with States (pp. 17506-10). The bill provides for the transferring of certain AEC regulation of radioactive materials to the States and changes the composition of the Federal Radiation Council which advises the President on radiation matters. The House later passed this bill without amendment (pp. 17633-5). This bill will now be sent to the President.
12. AIR POLLUTION. Conferees were appointed on H. R. 7476, to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution. House conferees have been appointed. p. 17510
13. INFORMATION. Agreed to S. Con. Res. 75, favoring active participation by Federal agencies in the Fifth International Congress on High-Speed Photography to be held in Washington, D. C., in 1960. p. 17512
14. FISH; RESEARCH. Passed without amendment H. R. 5004, to authorize and direct the Interior Department to undertake continuing research on the biology, fluctuations, status, and statistics of the migratory marine species of game fish of the U. S. and contiguous waters (pp. 17512-3). This bill will now be sent to the President.
15. REORGANIZATION. Passed over, at the request of Sen. Hart, S. 1474, to make permanent the provisions of the Reorganization Act of 1949 and H. R. 5140, to provide that the Reorganization Act of 1949 will apply to reorganization plans transmitted to the Congress at any time before June 1, 1961. p. 17563
16. SCIENCE. Passed over, at the request of Sen. Hart, S. 1851, to establish a commission on a Department of Science and Technology. p. 17563
17. TRANSPORTATION. Passed over, at the request of Sen. Hart, S. 1508, to provide for economic regulation of the Alaska Railroad under the Interstate Commerce Act. p. 17563  
Passed over, at the request of Sen. Hart, S. 1789, to amend the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply. p. 17563  
Passed without amendment H. R. 5067, to repeal section 217 of the Merchant Marine Act of 1936, as amended (p. 17578). This bill will now be sent to the President. The bill has this purpose: During World War II the Bland Forwarding Act was enacted to keep American Freight forwarders in business (by requiring Federal agencies to use American ships); but now, since Congress feels this Act is no longer necessary, and since some forwarders now continue to construe this Act as requiring Government agencies to use their services, this bill eliminates any such provision which may restrict Federal agencies in this construed manner.
18. PEANUTS. Passed over, at the request of Sen. Hart, H. R. 4938, to amend the AAA of 1938 so as to exempt from marketing quotas green peanuts. p. 17563

19. WILDLIFE. Passed over, at the request of Sen. Hart, S. 2086, to provide for the establishment of a National Wildlife Disease Laboratory. p. 17563
20. PAYMENTS IN LIEU OF TAXES. Passed over, at the request of Sen. Keating, S. 910, to authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property. p. 17564
21. MARGARINE. Passed over, at the request of Sen. Keating, S. 2168, to amend the Navy ration statute so as to provide for the serving of oleomargarine or margarine. p. 17564
22. PATENTS; PLANTS. Passed over, at the request of Sen. Keating, S. 1447, to amend Sec. 161, title 35, U. S. Code, with respect to patents for plants so as to eliminate the exclusion of tuber propagated plants from being patented. p. 17564
23. DAM CONSTRUCTION. Passed over, at the request of Sens. Keating and Hart, S. 793, to amend title 23 of the USC in order to increase the amount from \$10 to \$13 million available for expenditure by the Secretary of Commerce to reimburse any agency for additional costs incurred in building Federal dams to support highways). p. 17564
24. MUTUAL SECURITY. Passed over, at the request of Sens. Keating and Morse, H. R. 8385, the mutual security appropriation bill for 1960. p. 17564
25. EMPLOYMENT. Sen. Douglas inserted unemployment figures and stated that "if matters do not improve" by January, it may be time for more "basic action". p. 17581

#### HOUSE

26. SURPLUS COMMODITIES; FOREIGN TRADE. Both Houses received and agreed to the conference report on H. R. 8609, to amend and extend Public Law 480 (H. Rept. 1178). This bill will now be sent to the President. (pp. 17587-92, 17530-4, 17645). As agreed to the bill includes the following provisions: Extends titles I and II for 2 years, until December 31, 1961, with an increased authorization of \$1.5 billion per year for title I and increased authorization of \$300 million per year for title II. Earmarks not less than 5 percent of foreign currencies to be used in developing foreign markets for U. S. agricultural commodities. Requires that, as far as practicable agricultural commodities donated abroad under the act be labeled in the language of the locality to which they are sent. Provides up to \$5 million per year of foreign currencies to meet emergency nonfood relief requirements (other than requirements for surplus foods) in foreign nations. Authorizes the President to enter into long-term commitments - up to 10 years - for the sale of U. S. surpluses in dollars to foreign nations. Authorizes the establishment of a permissive 2-year food stamp plan for the distribution of \$250 million worth of surplus food per year to needy people in the U. S. Authorizes the use of title I foreign currencies to purchase nonstrategic and non critical materials for the supplemental stockpile. Provides that the 1960 extra long staple cotton marketing quota cannot be less than 90 percent of the 1959 quota. Requires cornmeal, grits, and white flour distributed to schools or the needy to be enriched and packaged in sanitary containers not exceeding 50 pounds. Provides that in determining annual payments under conservation reserve contracts no annual payment rate shall be established in excess of 20 percent of the value of the land placed under contract. Requires the Secretary, insofar as practicable, to make surplus commodities available to the needy in the U. S. before such commodities are made available for sale for foreign currencies.



There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL INDEPENDENT  
DAIRIES ASSOCIATION,  
Washington, D.C., September 3, 1959.

Hon. JOHN SPARKMAN,  
Chairman, Senate Small Business Committee,  
Old Senate Office Building,  
Washington, D.C.

DEAR MR. CHAIRMAN: We are delighted to learn that you are going to introduce a bill which would give the Federal Trade Commission power to issue temporary cease and desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings.

The power which this bill would afford is a vital necessity of the FTC work is to be fully effective. Under the present laws adversary proceedings before the FTC often are in progress for many years before any relief can be afforded the victims of the offenders. During that time many of these victims are destroyed. The small businessmen in the dairy business prefer the services of the doctor to those of the undertaker.

We are sure that the Alabama independent dairymen, as well as the independent dairymen throughout the nation and all other small businessmen, will strongly applaud your action in introducing this important bill.

As a former trial attorney, Secretary and Executive Director of the FTC I can truly appreciate the urgent need for such legislation.

Again we salute you for championing the cause of small business.

With all good wishes, I am,  
Sincerely,

D. C. DANIEL.

#### THE CALENDAR

Mr. HART. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the first measure on the calendar.

#### BILLS PASSED OVER

The bill (S. 1075) to provide for the reimbursement of Meadow School District No. 29, Upham, N. Dak., for loss of revenue resulting from the acquisition of certain lands within such school district by the Department of the Interior was announced as first in order.

Mr. HART. Mr. President, I ask that the items beginning with Calendar No. 95 and extending through Calendar No. 331, inclusive, be passed over.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills passed over are as follows:

S. 1075, a bill to provide for the reimbursement of Meadow School District No. 29, Upham, N. Dak., for loss of revenue resulting from the acquisition of certain lands within such school district by the Department of the Interior, \$5,197.56.

S. 91, a bill to amend the act of Sept. 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and employees of the United States, to clarify the operations of such act, and for other purposes.

H.R. 4601, a bill to amend the act of Sept. 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such act, and for other purposes.

S. 1474, a bill to make permanent the provision of the Reorganization Act of 1949.

Senate Joint Resolution 69, a Joint resolution proposing an amendment to the Constitution of the United States relative to the equal rights for men and women.

H.R. 4012, a bill to provide for the centennial celebration of the establishment of the land-grant colleges and State universities and the establishment of the Department of Agriculture, and for related purposes.

H.R. 5140, a bill to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1961.

#### RESOLUTION PASSED OVER

The resolution (S. Res. 131) referring S. 882, a bill for the relief of the heirs of J. B. White, to the Court of Claims, was announced as next in order.

Mr. KEATING. Over, by request.

The PRESIDING OFFICER. The resolution will be passed over.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, a parliamentary inquiry: What bill is under consideration?

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

#### BILLS AND RESOLUTIONS PASSED OVER

Mr. HART. Mr. President, I ask unanimous consent that all bills beginning with Calendar No. 397, S. 1617, on page 8 of the calendar, and extending through Calendar No. 720, H.R. 5888, at the bottom of page 9, go over.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, reserving the right to object, was that a unanimous-consent request?

Mr. HART. Yes. We are proceeding with a call of the calendar of bills to which there is no objection. All the bills to which I have referred have been objected to.

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

The bill (H.R. 5067) to repeal section 217 of the Merchant Marine Act, 1936, as amended, was announced as next in order.

Mr. KEATING. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 883) to confer jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon claims of customs officers and employees to extra compensation for Sunday, holiday, and overtime services performed after August 31, 1931, and not heretofore paid in accordance with existing law, was announced as next in order.

Mr. HART. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2402) to clarify the authority of the Postmaster General to provide for the expeditious, efficient, and economical transportation of mail, and for other purposes, was announced as next in order.

Mr. HART. Mr. President, I ask that this bill go over; and additionally, I ask that Calendar No. 819, S. 694; and Calendar No. 825, Senate Resolution 174, go over.

The PRESIDING OFFICER. Without objection, the bill and resolution will be passed over.

The resolution (S. Res. 169) concerning the desirability of holding an international exposition in the United States was announced as next in order.

Mr. KEATING. Mr. President, emphatically, over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2481) to continue the application of the Merchant Marine Act of 1936, as amended, to certain functions relating to fishing vessels transferred to the Secretary of the Interior, and for other purposes, was announced as next in order.

Mr. KEATING. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

#### CECIL E. FINLEY

The bill (H.R. 2946) for the relief of Cecil E. Finley was considered, ordered to a third reading, read the third time, and passed.

#### REFERENCE OF SENATE BILL 2496 TO THE COURT OF CLAIMS

The resolution (S. Res. 182) referring S. 2496 to the Court of Claims, was announced as next in order.

Mr. MORSE. Mr. President, may we have an explanation of the resolution?

Mr. HART. The resolution provides that the resolution which was submitted for the direct relief of a mill be referred to the Court of Claims for a report to Congress. The resolution authorizes the disbursement of no money.

Mr. MORSE. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 182) was considered and agreed to, as follows:

Resolved, That the bill (S. 2496) entitled "A bill for the relief of Kraemer Mills, Incorporated", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same



in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amounts, if any, legally or equitably due from the United States to the claimant.

#### BILLS PASSED OVER

The bill (S. 910) to authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property, and for other purposes, was announced as next in order.

Mr. KEATING. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2168) to amend the Navy ration statute so as to provide for the serving of oleomargarine or margarine was announced as next in order.

Mr. KEATING. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### LEASING A PORTION OF TWIN CITIES ARSENAL, MINN.—BILL PASSED OVER

The bill (H.R. 2449) to authorize the Secretary of the Army to lease a portion of Twin Cities Arsenal, Minn., to Independent School District No. 16, Minnesota, was announced as next in order.

Mr. MORSE. Mr. President, I should like to have the attention of the Senator from New York. The two Senators from Minnesota have agreed to accept an amendment, which is at the desk, to the bill. If the amendment is accepted, the Senator from Oregon will have no objection to the bill. I think I am the one who objected to the bill the last time it was called on the calendar, although a Senator on the other side of the aisle may also have objected; I do not know.

Mr. KEATING. I do have an objection from the distinguished Senator from Vermont [Mr. PROUTY], at least temporarily.

Mr. MORSE. I simply want the RECORD to show that the House Members who were interested in the bill have been to see me, as have also the two Senators from Minnesota. Both Senators have agreed to accept the amendment I offered, which would provide for the payment by the school district of 50 percent of the fair market value of the lease. That is acceptable to me. So far as I am concerned, if the amendment is adopted, my objection to the bill will be withdrawn.

Mr. KEATING. I ask that the bill go over, by request.

The PRESIDING OFFICER. The bill will be passed over.

#### BILL PASSED OVER

The bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R-I, Missouri, was announced as next in order.

Mr. HART. Over.

Mr. KEATING. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### BILLS PASSED OVER

The bill (H.R. 8437) to provide for the reinstatement and validation of U.S. oil and gas lease BLM 028500 was announced as next in order.

Mr. KEATING. Over, by request.

The PRESIDING OFFICER (Mr. McGEE in the chair). The bill will be passed over.

The bill (S. 793) to amend title 23 of the United States Code in order to increase the amount authorized for bridges over Federal dams was announced as next in order.

Mr. KEATING. Over.

Mr. HART. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2653) to amend the Communications Act of 1934 to establish jurisdiction in the Federal Communications Commission over community antenna systems was announced as next in order.

Mr. HART. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1447) to amend section 161, title 35, United States Code, with respect to patents for plants, was announced as next in order.

Mr. KEATING. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, was announced as next in order.

Mr. KEATING. Over.

Mr. MORSE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 3254) for the relief of Thomas Foreman Screven, Julia Screven Daniels, and Mary Bond Screven Rhodes was announced as next in order.

Mr. KEATING. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 5733) for the relief of Park National Bank was announced as next in order.

Mr. KEATING. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

#### EFFECTS OF DECEASED SEAMEN—BILL PLACED AT FOOT OF CALENDAR

The bill (H.R. 6067) to amend section 4544 of the Revised Statutes of the United States to provide that, if the money and effects of a deceased seaman paid or delivered to a district court do not exceed in value the sum of \$1,500, such court may pay and deliver such money and effects to certain persons other than the legal personal representative of the deceased seaman, was announced as next in order.

Mr. MORSE. Mr. President, I should like to inquire what bill we have now reached on the calendar.

The PRESIDING OFFICER. Calendar No. 1022, House bill 6067.

Mr. HOLLAND. Mr. President, what happened to the measures which immediately precede this one on the calendar?

The PRESIDING OFFICER. They were passed earlier in the day.

Mr. HOLLAND. I thank the Chair.

Mr. MORSE. Mr. President, reserving the right to object to Calendar No. 1022, House bill 6067, let me state that the counsel of the committee is working out an amendment which we discussed earlier in the day. I have not seen the amendment. When it is offered, I shall have no objection to consideration of the bill. But until the amendment is offered, the bill must go over.

I suggest that the bill be placed at the foot of the calendar, until we get in touch with the counsel.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the calendar.

#### INTER-AMERICAN CHILDREN'S INSTITUTE FOR THE PROTECTION OF CHILDHOOD

The Senate proceeded to consider the bill (S. 2231) to amend the joint resolution providing for membership and participating by the United States in the Inter-American Children's Institute, formerly known as the American International Institute for the Protection of Childhood, as amended, which had been reported from the Committee on Foreign Relations, with amendments, on page 2, line 2, after the word "appropriated", to strike out "annually"; in line 3, after the word "State", to insert "for the fiscal years 1961 and 1962, and in line 4, after the word "sums", to insert "not to exceed \$50,000 per fiscal year"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Resolution 31, approved May 3, 1928 (45 Stat. 487), as revised by section 1(a) of Public Law 806, approved September 21, 1950 (64 Stat. 902), as amended by Public Law 816, approved July 27, 1956 (70 Stat. 696), is hereby amended to read as follows:*

*"That in order to meet the obligations of the United States as a member of the Inter-American Children's Institute, there is hereby authorized to be appropriated to the Department of State for the fiscal years 1961 and 1962 such sums not to exceed \$50,000 per fiscal year, as may be necessary for the payment by the United States of its share of the expenses of the Institute, as apportioned in accordance with the statutes of the Institute."*

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### GEN. EDGAR JADWIN DAM AND RESERVOIR

The bill (H.R. 8035) to designate the Dyberry Dam and Reservoir, Lackawaxen River Basin, Pennsylvania, as the Gen.









# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

## CONTENTS

Issued September 14, 1959  
For actions of September 12, 1959  
86th-1st. No. 162

|                                       |       |
|---------------------------------------|-------|
| Adjournment.....                      | 15,26 |
| Air pollution.....                    | 25    |
| Alaska.....                           | 32    |
| Annuities.....                        | 23    |
| Appropriations.....                   | 1     |
| Area redevelopment.....               | 21    |
| Buy American.....                     | 41    |
| Civil rights.....                     | 1     |
| Claims.....                           | 1     |
| Committee assignments....             | 6     |
| Congressional<br>accomplishments..... | 22    |
| Conservation Corps.....               | 11    |
| Contracts.....                        | 24    |
| Dairy industry.....                   | 17    |
| Education.....                        | 3     |
| Electrification.....                  | 9,16  |
| Farm labor.....                       | 10    |
| Farm program.....                     | 38    |
| Fiscal affairs.....                   | 36    |
| Food stamps.....                      | 8     |
| Foreign aid.....                      | 1,28  |
| Foreign currencies.....               | 13    |
| Foreign trade.....                    | 2,35  |

|                                     |          |
|-------------------------------------|----------|
| Grants-in-aid.....                  | 5        |
| Imports.....                        | 19,30    |
| Inspection services.....            | 19       |
| Interest rates.....                 | 7,20,39  |
| Intergovernmental<br>relations..... | 1,18     |
| Item veto.....                      | 33       |
| Legislative program.....            | 15       |
| Mutual security.....                | 1        |
| Natural resources.....              | 44       |
| Personnel.....                      | 23,45    |
| Poultry.....                        | 17       |
| Procurement.....                    | 17       |
| Public Law 480.....                 | 13       |
| Public power.....                   | 27       |
| Public works.....                   | 34       |
| Reclamation.....                    | 14,40    |
| Recreation.....                     | 29,43    |
| Research.....                       | 4,24,31  |
| Retirement.....                     | 45       |
| Small business....                  | 17,31,37 |
| Tariff.....                         | 44       |
| Unemployment.....                   | 12       |
| Watersheds.....                     | 42       |

HIGHLIGHTS: Senate debated mutual security appropriation bill. House agreed to conference report on bill to establish Advisory Commission on Intergovernmental Relations. Rep. Burdick urged investigation of "politics" in REA. House agreed to adjourn sine die today (Sep. 14).

## SENATE

1. MUTUAL SECURITY APPROPRIATION BILL FOR 1960. Began debate on this bill, H. R. 8385. pp. 17735-9, 17749-79, 17783-5, 17787-838

Agreed to the following amendments:

By Sen. Robertson, modified, relating to the furnishing of certain information to GAO by ICA. pp. 17735-9, 17749-79, 17783-4

By Sen. Muskie, to provide \$100,000 for the Intergovernmental Relations Advisory Commission. p. 17785

By Sen. Hayden, to provide funds for payment of various claims. p. 17787

Rejected an amendment by Sen. Javits to provide \$500 million for the Development Loan Fund for 1961, as well as the item in the bill for 1960. pp. 17788-93

An amendment by Sen. Hayden, to extend and provide funds for the Commission on Civil Rights, was ruled out of order; but Sen. Hayden entered a motion to suspend the rules and consider the amendment. pp. 17827-31

2. FOREIGN TRADE. At the request of Sen. Bridges, reconsidered the vote on S. 1697, providing that economic aid under the Mutual Defense Assistance Act of 1951 shall be open to any nation or area except the Soviet Union and Communist-held areas of the Far East, if important to U. S. security. Then re-passed the bill by a vote of 49 to 40. pp. 17728-35
3. EDUCATION. The Labor and Public Welfare Committee reported with amendments S. 8, to authorize an emergency 2-year program of Federal financial assistance in school construction (S. Rept. 1011). p. 17805
4. RESEARCH. Received from GSA a report on contracts negotiated for experimental, developmental, or research work during the last 6 months of the fiscal year 1959. p. 17684
5. GRANTS-IN-AID. Received a Nev. Legislature resolution opposing "interference" of Federal officials in connection with grants-in-aid. p. 17684
6. COMMITTEE ASSIGNMENTS. Sens. Long and Fong, of Hawaii, were assigned to the Interior and Insular Affairs Committee and the Public Works Committee after the Senate agreed to a resolution providing for an increase of 2 in the authorized membership of these Committees. pp. 17685, 17739-40
7. INTEREST RATES. Sen. Proxmire spoke against FRB increases in the interest rates on loans to commercial banks. pp. 17692-4, 17695
8. FOOD STAMP PLAN. Sen. Clark noted "with some dismay" that Secretary Benson had said he had no intention of inaugurating a food stamp plan. p. 17694
9. ELECTRIFICATION. Sen. Mansfield inserted Sen. McGee's speech favoring expansion of REA for new goals. pp. 17699-700
10. FARM LABOR. Sen. Humphrey said Secretary Benson had requested Secretary Mitchell to drop or delay proposed regulations on wages, housing, and transportations for migratory farm workers, and the Senator spoke in favor of such regulations p. 17710
11. YOUTH CONSERVATION CORPS. Sen. Humphrey spoke in favor of establishing such a Corps as an aid to solving the juvenile delinquency problem. pp. 17722-6
12. UNEMPLOYMENT. Agreed to, without amendment, S. Res. 196, to create a special Senate Committee on Unemployment Problems to make an investigation and study of this subject. p. 17740 (The Senate had earlier agreed to a concurrent resolution providing for a joint committee, but the House had taken no action.)
13. FOREIGN CURRENCIES. Sen. Humphrey said the conference report on Public Law 480 amendments, H. R. 8406, did not mean no funds could be used for Binational foundations. p. 17749
14. RECLAMATION. S. 2640, relating to the midstate irrigation project in Nebraska, was transferred from the Public Works Committee to the Interior and Insular Affairs Committee. p. 17689
15. LEGISLATIVE PROGRAM; ADJOURNMENT. Adjourned until Mon., Sept. 14, when the Senate is to continue with the appropriation bill and consider calendar bills. pp. 17838, D916



## NAYS—40

|              |                |                |
|--------------|----------------|----------------|
| Allott       | Dworshak       | McClellan      |
| Anderson     | Eastland       | Martin         |
| Bartlett     | Ervin          | Mundt          |
| Beall        | Fong           | Robertson      |
| Bible        | Frear          | Russell        |
| Bridges      | Gruening       | Schoeppel      |
| Butler       | Hickenlooper   | Smith          |
| Byrd, Va.    | Holland        | Stennis        |
| Byrd, W. Va. | Hruska         | Talmadge       |
| Cannon       | Johnston, S.C. | Thurmond       |
| Cotton       | Jordan         | Williams, Del. |
| Curtis       | Kerr           | Young, Ohio    |
| Dirksen      | Langer         |                |
| Dodd         | Lausche        |                |

## NOT VOTING—11

|           |          |                |
|-----------|----------|----------------|
| Clark     | Hennings | O'Mahoney      |
| Goldwater | Kefauver | Symington      |
| Hart      | Kennedy  | Young, N. Dak. |
| Hartke    | Murray   |                |

So the bill (S. 1697) was passed as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 102 of title I of the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611a) is amended to read as follows:

"SEC. 102. Responsibility for giving effect to the purposes of this Act shall be vested in the Secretary of State or such other officer as the President may designate, hereinafter referred to as the 'Administrator.'"

Sec. 2. Section 303 of title II of the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1613b) is amended to read as follows:

"SEC. 303. (a) This Act shall not be deemed to prohibit furnishing economic and financial assistance to any nation or area, except the Union of Soviet Socialist Republics and Communist-held areas of the Far East, whenever the President determines that such assistance is important to the security of the United States; *Provided*, That, after termination of assistance to any nation as provided in sections 103(b) and 203 of this Act, assistance shall be resumed to such nation only in accordance with section 104 of this Act. The President shall immediately report any determination made pursuant to this subsection with reasons therefor to the Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and the Speaker of the House of Representatives.

"(b) The Administrator may, notwithstanding the requirements of the first proviso of section 103(b) of this Act, direct the continuance of assistance to a country which knowingly permits shipments of items other than arms, ammunition, implements of war, and atomic energy materials to any nation or area receiving economic or financial assistance pursuant to a determination made under section 303(a) of this Act.

Mr. AIKEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H.R. 1499. An act for the relief of Gordon Langlands Johnston;

H.R. 1520. An act for the relief of Eva Gurman;

H.R. 1778. An act to amend section 17(b) of the Reclamation Project Act of 1939;

H.R. 2090. An act for the relief of Giuseppa Ferrante (Sister Candida);

H.R. 2390. An act for the relief of the city of Madeira Beach, Fla.;

H.R. 2631. An act for the relief of the estate of Nathaniel H. Woods, deceased;

H.R. 2695. An act for the relief of the Inter-County Telephone & Telegraph Co., Fort Myers, Fla.;

H.R. 2978. An act to amend section 1870 of title 28, United States Code, to authorize the district courts to allow additional peremptory challenges in civil cases to multiple plaintiffs as well as multiple defendants;

H.R. 3111. An act for the relief of Rachel Nethery;

H.R. 3608. An act to authorize the Secretary of the Navy to acquire certain land on the island of Guam;

H.R. 4656. An act to amend section 401b of the act of July 14, 1952, to permit applications for moving costs resulting from any public works project of a military department to be filed either 1 year from the date of acquisition or 1 year following the date of vacating the property;

H.R. 5257. An act to amend section 1915 of title 28, United States Code, relating to proceedings in forma pauperis;

H.R. 5645. An act for the relief of Christopher J. Mulligan;

H.R. 5873. An act for the relief of Clara H. Hall;

H.R. 5910. An act for the relief of Zelda Gilck;

H.R. 6720. An act for the relief of Andrew Choa;

H.R. 6886. An act for the relief of Lilliana Caprara;

H.R. 6954. An act for the relief of Frol Martin Simonov;

H.R. 7145. An act to amend section 35 of chapter III of the act of June 19, 1934, entitled "An act to regulate the business of life insurance in the District of Columbia", as amended;

H.R. 7256. An act for the relief of Miss Remedios Villanueva;

H.R. 7474. An act granting the consent of Congress to the compact entered into by the States of West Virginia and Virginia with respect to a certain part of the boundary between such States;

H.R. 7979. An act to waive section 142, of title 28, United States Code, with respect to the U.S. District Court for the Eastern District of Oklahoma holding court at Durant, Okla.;

H.R. 8199. An act for the relief of James J. Manning; and

H.J. Res. 465. Joint resolution approving certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The PRESIDING OFFICER (Mr. PROXMIER in the chair). The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. ROBERTSON. Mr. President, I call up my amendment to section 112 of H.R. 8385, an amendment as I stated on last Thursday, to preserve the constitu-

tional right of the Congress to secure information from the executive branch of the Government on its handling of appropriated funds. I offer the amendment on behalf of myself, the Senator from Louisiana [Mr. ELLENDER] and the Senator from Minnesota [Mr. HUMPHREY].

The PRESIDING OFFICER (Mr. PROXMIER in the chair). The amendment of the Senator from Virginia will be stated.

The LEGISLATIVE CLERK. On page 10, between lines 17 and 18, it is proposed to insert the following:

(d) None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, in any country, or with respect to any project or activity, after the expiration of the twenty-day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriations for, or expenditures of, the International Cooperation Administration, has delivered to the office of the Director of the International Cooperation Administration a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee or subcommittee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he considers the disclosure of such document, paper, communication, audit, review, finding, recommendation, report, or other material to be contrary to the public interest and has forbidden its being furnished pursuant to such request.

Mr. ROBERTSON. Mr. President, the fundamental issue involved is what has been termed by some as the "right to know"—the right of the public to have access to governmental records and the right of the legislative branch of the Government to be treated as an equal by the executive branch. It involves a more serious problem than many Members of the Senate seem to realize.

The history of the problem, of course, goes back to the Constitutional Convention of 1787, composed of Members who had known during colonial days the evils of a government dominated by the executive branch and, during the revolutionary days the ineffectiveness of a government composed solely of the legislative branch. Consequently, in providing the organic law for a new Republic, the Founding Fathers very wisely sought to have a government of checks and balances composed of three coordinate but equal branches, namely the legislative, the executive and the judicial.

The Constitution they framed, in addition to providing for the enactment of Federal laws, the administration of those laws, and the handling of litigation growing out of those laws, distributed among the three branches of the Gov-



ernment three of government's major powers. To the legislative branch it gave the power of the purse; to the executive branch, the power of the sword—which includes, of course, all dealings with foreign countries; and to the Judicial, the power of determining the constitutional limitations within which the other two branches were to function.

Needless to say, throughout our history there have been complaints that one branch or another of the Government has attempted to get ascendancy. In the days of Chief Justice John Marshall, his contention that the Judiciary under the Constitution had the right to declare unconstitutional acts of either the President or of the Congress was severely criticized by those who believed that each sovereign State should be privileged to pass on the constitutionality of any Federal act. During the unfortunate period following the Civil War, known as the Reconstruction Days, the legislative branch, bent upon punishing a helpless South, dominated the Federal field. In recent years, however, the trend has been for the executive branch to seek ascendancy over both the other branches of the Government.

During the depression years, President Franklin D. Roosevelt had a legislative branch not only willing, but eager, to follow his leadership in a program of social reform, but a judiciary unwilling to accept reform legislation such as NRA and the processing tax on farm products. So President Roosevelt proposed to the legislative branch what was known as a court-packing plan, and came within a narrow margin of securing its enactment. However, since the decision of the Supreme Court in the school segregation cases in 1954—which will go down in history as on a par with the decision of that court in the Dred Scott case, as an evidence of the dominance of the judiciary by the executive branch of the Government—the efforts of the executive branch of the Government to dominate have been directed primarily at the legislative branch. Frankness compels me to admit that some of those conflicts have political overtones, growing out of the fact that the executive branch of the Government is controlled by one party and the legislative branch by another party.

Fortunately, no politics are involved in the pending amendment; but there are involved the conclusions of the well-known student of government, James Burnham, who in his recent book entitled "Congress and the American Tradition," expressed the view that unless there is a reversal of the present trend, Congress eventually will lose most, or all, of its powers to the executive branch of our Government. Certainly, as I have previously indicated, the most essential power of the Congress is control of the purse; and the effectuation of that control is, of necessity, involved in the right of the Congress to know the necessary details concerning the expenditure of appropriated funds.

That issue was brought to a head on March 6, 1958, when the Attorney General, when testifying before the Senate

Constitutional Rights Subcommittee, reaffirmed the extreme position he had taken in his memorandum while he was the Deputy Attorney General, when he claimed that not only the President and the heads of the executive departments, but also independent regulatory agencies, have an inherent constitutional power to withhold information from the Congress, which they may exercise in their own discretion. The Attorney General further stated that this power to withhold information can be delegated to, and exercised by, anyone and everyone in the executive branch of the Government.

Relying upon those views of the Attorney General—which, incidentally, were not supported by any reference to the Constitution or by any court decision—the Acting Director of ICA denied to the General Accounting Office access to evaluation reports prepared by the office of the Assistant to the Director for Evaluation of the ICA. These reports, each one of which generally covers the ICA program in a particular country, are prepared by teams composed of two senior officers, and are based on extensive study both in Washington and in the field.

The General Counsel of the General Accounting Office testified before the Senate subcommittee that his organization needed access to these reports in order properly to perform its audit of ICA activities, and stated that the reports constituted a part of ICA's internal control machinery which it is GAO's statutory duty to evaluate. In defending his invocation of the Executive privilege doctrine as authority to withhold the evaluation reports from the General Accounting Office, because they were supposed to contain opinions and advice of ICA employees, the Acting Director said:

This is what it amounts to as a practical matter. There isn't a thing that GAO does not get except this one evaluation report. I am not falling back now on legal distinctions or principle here. I am saying in effect that if ICA wanted to apply the "Executive privilege," GAO would not see one thing because practically every document in our agency has an opinion or a piece of advice.

In other words, the Acting Director of ICA officially pronounced to the Congress of the United States that he had the power, if he desired to exercise it, to annually expend in foreign countries several billion dollars of taxpayers' money which Congress has appropriated, and to refuse to let Congress know anything whatever concerning the details of such expenditures.

That was so astounding a doctrine that the House of Representatives was galvanized into action on June 18 of this year, when it had under consideration a bill to continue the foreign aid program—Public Law 86-108—and wrote into that bill what has since become known as the Porter-Hardy amendment, asserting the constitutional right of the Congress to receive information requested concerning the expenditures of foreign-aid money, including, of course, the evaluation reports to which the congressional committee and the General

Accounting Office had previously been denied access.

In signing that bill into law, the President said:

I have signed this bill on the express premise that the three amendments relating to disclosure are not intended to alter and cannot alter the recognized constitutional duty and power of the Executive with respect to the disclosure of information, documents, and other materials. Indeed, any other construction of these amendments would raise grave constitutional questions under the historic separation of powers doctrine.

Incidentally, the Attorney General who advised the President on that message was the same who had advised him that he had a legal right to send troops to enforce a district court order in a school segregation case, when the power to do so had been expressly excluded from the Civil Rights Act of 1957; and he was the same Attorney General who had informed the Senate subcommittee that not only the President and the heads of all departments, but likewise all regulatory and independent agencies—including, of course, ICA—had the constitutional right to deny the Congress any information they please.

In the passage of the authorization bill, Public Law 86-108, there was not a single vote in either the House or the Senate in opposition to the assertion of what is now section 112 of the pending bill that the Congress had the constitutional right to request, and to receive from the ICA, information concerning its operations in the handling of appropriated funds.

As I indicated on Thursday, in sending my amendment to the desk, to be printed, this amendment does not deny to ICA the privilege of classifying information furnished to congressional committees or the General Accounting Office and having it treated in confidence, just as the Appropriations Committee treats in confidence classified information furnished to it by the Military Establishment. The pending amendment also takes care of objections voiced by the Administrator of ICA, by specifically providing that requests should go directly to the Administrator, in writing; and the penalty for refusal would not be the impoundment of all foreign aid money, but only the impoundment of the money involved in the issue being investigated, relating to either a particular country or a particular program. And as a concession, not to an established constitutional principle, but, rather, to an established precedent in the handling of foreign affairs, the amendment provides that the ICA Director may be relieved of furnishing the requested information upon a certificate of the President that he considers the disclosure of requested material to be contrary to the public interest.

Mr. President, in the presentation of the pending amendment, we are not attempting to solve or eliminate all the problems relating to the general field of the right-to-know by the press, by the public, and by the Congress. On the contrary, we are merely asserting one very fundamental constitutional right of the Congress—its right to know what the executive branch of the Government has



done with appropriated funds. Repudiation of the pending amendment would of necessity mean that the Congress had made a complete retreat from the position that it took last July on this subject and is willing to accept and endorse the Attorney General's doctrine of unlimited Executive privilege.

Mr. President, I am positive that the House of Representatives, which took such a firm stand on this matter only a few months ago, does not intend to retreat; and, naturally, I hope that the Senate does not intend to do so either.

Mr. President, for the benefit of the several colleagues who have just come into the Chamber, I wish to say I have started my brief explanation of the amendment. I wish to summarize what the amendment means. The Attorney General testified before the subcommittee of the Judiciary Committee that executive privilege meant all Federal regulatory agencies could, of their own initiative, on their own responsibility, determine what information, if any, they would furnish to the Congress, and that the Congress could not go beyond that decision.

The ICA Director refused to give to the General Accounting Office an evaluation report on how certain funds had been handled in Laos. The Congress sent a commission there and learned that there had been a very gross mishandling situation in that country. That fact galvanized the House into action, and it provided in the bill that the administrator had to furnish all the pertinent information requested, and, on failure to do so, no more funds would be available after the expiration of 20 days.

My amendment is a little different. It provides, in the first place, that the request must be in writing. It must go, not to some subordinate official, but to the Director himself. The penalty would be not to stop all the foreign aid programs, but only that in the country or in the project under investigation.

In addition, and I wish to emphasize this, the amendment does not yield one iota of the constitutional right of Congress to demand information concerning the handling of funds it has appropriated, but it makes this much of a concession to the difference of opinion between Congress and the President.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. ROBERTSON. As soon as I complete this thought. That difference is this: If the President, in keeping with the well-established principle under the Constitution of the right of the President to handle foreign policy, decides that the disclosure of some phase of foreign policy would be against the public interest, he can so certify, and Congress will not be able to get the information. But, Mr. President, it is inconceivable that any President would invoke that privilege to cover up inefficiency of some minor official in some country in the expenditure of the taxpayers' money.

I say we are not trying to settle the constitutional issue. At some future time we may have to do it, but we are not trying to do it in this bill. We are trying to arrive at a working formula

which will enable Congress to have proper information about a program which costs almost \$4 billion a year of the taxpayers' money.

Now I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, the Senator from Virginia brought this question up in committee. As I understand the situation, it is that the Senate Appropriations Committee eliminated section 113 on page 9 of the bill. That was the section which it was felt might be unconstitutional. It substituted therefor section 112 (a) and (b), which was the section recommended by the majority leader, as I read the sections. Subsection (a) orders the Executive to transmit to the Committee on Appropriations of the Senate and the House a full and complete revision of the data in justification of appropriations to carry out the program by funds recommended by the Congress; and, by subsection (b), provides that within 30 days the Executive shall report to the committees any change in the program involving \$1 billion or more.

It seems to me that those two sections cover the problem of giving Congress full information on the programs in the first place, and any suggested changes in the second place.

What the Senator from Virginia proposes to do by his amendment is to provide that if any question is not answered, within 20 days, the funds for any country or any one project, of an economic nature, but not of a military nature, shall be cut off. Is that correct?

Mr. ROBERTSON. That is correct.

Mr. SALTONSTALL. The Senator's amendment provides that would be done within 20 days. It seems to me the Senator cuts off his own request when he provides that it shall be done within 20 days, because some of this data may be in a country on the other side of the world and cannot be obtained in 20 days.

I will ask the Senator if he would object to making that period 45 days instead of 20 days. That would give the Department an opportunity to get the papers from a country like Vietnam, Taiwan, or some other far-off country, study the data, put it in order, and give the requested information to the Congress.

Mr. ROBERTSON. The Senator from Virginia has in mind the situation that next year is an election year and Congress is not usually in session after the middle of July, and certainly not after the end of July. The General Accounting Office or a committee of Congress might, in the middle of the session, have an idea that something had gone wrong in the program and desired information. If the information could not be obtained in less than a month and a half, Congress might have adjourned before the information was furnished.

The ICA director, who is a very fine man, and who incidentally is from Virginia, made some suggestions to the Senator from Virginia about changes in the language which was section 113 of the bill as it was sent to the Senate. That section is now section 112, because one of the previous sections was eliminated.

I may point out that diplomatic pouches go by air. The Senator from Virginia would not object very strenuously if the request was to change the period of time to 30 days instead of 20 days, but I think 1 month and a half is too long, when a message can be gotten to any part of the world by air in 5 days, and when a cablegram can be received in a few hours. It seems to me one month would be ample time, if the Senator from Massachusetts would care to accept that suggestion.

Mr. SALTONSTALL. I have discussed this question with Mr. Murphy, the controller, whom both the Senator from Virginia and I respect very much. I mentioned 45 days. I think the minimum time required to get information from certain areas would be 35 days. Will the Senator be willing to accept a provision of 35 days instead of 30?

Mr. ROBERTSON. Would such an amendment be acceptable if the period were made 35 days rather than 20 days?

Mr. SALTONSTALL. The chairman of the Appropriations Committee is present. As I see it, we might just as well take the amendment to conference, because there already will have to be a conference on the difference in language. The majority leader's language will have to be in conference. We would have this language also before the conference.

Mr. ROBERTSON. With that assurance from my distinguished and able colleague on the Republican side, who takes such an interest in everything the Appropriations Committee does, the Senator from Virginia indicates he is willing to accept the proposed change and adopt it as his own language in the pending amendment, with the understanding that it has the approval of the chairman.

Mr. HAYDEN. Mr. President, will the Senator yield some time to me?

Mr. SALTONSTALL. I wish to make certain, Mr. President, that the clerk has the amendment.

The PRESIDING OFFICER. It is the understanding of the Chair that the Senator from Virginia [Mr. ROBERTSON] modifies his amendment by changing the provision "20 days" to "35 days."

Mr. ROBERTSON. I ask unanimous consent to make the change from "20 days" to "35 days."

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. HAYDEN. Under those circumstances I would be glad to take the amendment to conference.

Mr. ROBERTSON. I wish to yield first to my colleague from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. President, I appreciate the action of the distinguished Senator from Virginia in yielding to me. I feel that in many respects he has vastly improved the language of the Hardy amendment in the appropriation bill as passed by the House, particularly in permitting the cutoff of funds to a limited degree, either of funds for the country or project to which the document requested relates. I approve of that provision.

As he knows, in the Appropriations Committee my primary concern with



the House provision was with respect to the catastrophe which would result if we turned off the valve on all foreign aid around the world. It would cost us hundreds of millions of dollars and it would destroy much of the good that the program has achieved in the past.

We would punish the innocent merely because the program might be faulty in one country or as to one project.

I approve also of the fact that he has made the Administrator of the ICA solely responsible for answering the inquiries and responsible for furnishing the information requested by the committees and by the Comptroller General.

I approve of the President having to certify personally as to that disclosure would be contrary to the national interest if the information is not to be furnished.

But my worry is that we do not go far enough. I fear that the provision may be construed as permitting the President to spread the personal umbrella of executive privilege, which goes only to the person and the Office of the President, over the entire executive branch, or as allowing him to withhold vital information, as being contrary to the national interest, relating to expenditure of appropriations, scandals, maladministration, extravagance, or waste. It would be very easy for the President to say, "We are trying to have friends in the Middle East. We are trying to have friends in the Far East. And if all of this information is revealed on the floor of Congress or before our committee, we will destroy the good will we have."

The law did not permit the President's privilege to extend to ICA. The latest legislation, which is legislation authorizing the entire mutual security program, did provide that ICA was different and specifically exempt from the laws that pertain generally to the privileges of the President in foreign policy matters and foreign intercourse.

I ask the distinguished Senator: After the Congress has received from the President his declaration that he feels it is in the national interest not to furnish the information to the Comptroller General or not to furnish it to a congressional committee, whether the Committee on Appropriations, the Committee on Foreign Relations, or the Committee on Government Operations, has the Congress any recourse if we are not satisfied that there is a legitimate reason for withholding it?

Mr. ROBERTSON. Congress has two recourses.

In the first place, my distinguished colleague will remember working late at night to report the bill. Working against time, the junior Senator from Virginia tried to uphold in toto the House provision.

Mr. MONRONEY. The Senator certainly did. He fought for it for a long period of time, and the junior Senator from Oklahoma was then questioning whether certain provisions of the Hardy amendment would shut off worldwide aid.

Mr. ROBERTSON. The issue was raised as to imposing an unconstitutional restriction on the President. The junior

Senator from Virginia denied it. In any event, he did not have the votes, and so the Porter Hardy amendment was taken out. The amendment of the Senator from Texas [Mr. JOHNSON] was offered to supply information in 60 days, and that amendment was agreed to. It means the same as 30 days if it involves over \$1 million. Nobody objects to that kind of provision, but it does not reach this issue.

So acting on a suggestion of colleagues who had voted against the action of the committee, he said we ought to have some safeguards. The Senator from Virginia drafted an amendment which he said specifically does not go into a solution of any constitutional issue. It is a temporary solution of a rather delicate problem and will enable us to pass a bill without conceding the extreme position taken by the Attorney General, so that neither President nor any Department or regulatory agency can deny to us anything that they please. We could not accept that. And so the Senate says, "We will demand this information about the money expended, but without conceding that a constitutional question has been solved." If the President certifies that it would be against the public interest, then we will find out what they should have told us.

Therefore we do not feel the President is going to abuse the privilege. We do not admit we have yielded any of our constitutional authority.

The Senator from Oklahoma [Mr. MONRONEY] wants to know what we can do if they still do not give us the information. We can do two things. We can refuse to appropriate, since Congress has the power of the purse, and that includes dealing with foreign countries.

Second, we will start an authorization bill next year, and if the House wants to write a clear-cut constitutional provision in it, they will have plenty of time to do it. But in the closing days of this session of Congress we did not have the time to bring that issue before the Senate, fight it out, have conferees appointed, and pass a bill which might be vetoed and we would have it all to go over again.

The Senator from Virginia [Mr. ROBERTSON] said he started to support this provision in the authorization bill. He supported it in his committee, and when he found that the whole provision was going out, in an effort to prevent the Congress from being put on record by inference that it had agreed to this extraordinary construction of this law, he saved it by this amendment.

Mr. MONRONEY. I appreciate the great effort that the Senator from Virginia [Mr. ROBERTSON] has made. I still ask what we should do when the present administration keeps information from the public by withholding it under various excuses of executive privilege and when the President merely holds his own personal umbrella of executive privilege over all the other agencies. This is but one example. We can follow it through the Department of Defense and through every department where executive privilege is claimed on

the slightest pretense by the most minor executive. I wondered if the Senator would give consideration to a suggestion which has been made, and on which I have spent a considerable amount of time; namely, to go one step further than to require that the President must say that he feels it is contrary to the national interest. I am not proposing such an amendment. I am merely asking the distinguished Senator's opinion of it.

A new section would be added to read:

In the event of a certification by the President under subsection (d), the Congress by concurrent resolution may require the delivery of the document or other material requested. If the document or other material is not furnished within 20 days after the adoption of such resolution, the limitation on the use of funds provided in subsection (d) may be applicable on the certification of the President.

After there had been opportunity for full discussion of the claim of executive privilege, and the reasons, if any, for claiming that furnishing the information would be contrary to the national interest, the two Houses of Congress, acting concurrently, could there be the judge as to whether or not they were entitled to the information on the expenditure of the funds they have appropriated. This right is now being eroded by everyone purporting to carry a badge in his pocket symbolizing the executive privilege of the President.

Mr. ROBERTSON. The Senator from Virginia can only say that he would go all out to maintain the constitutional right of the legislative branch to effectuate the power of the purse, and to know what is done with the money. But he is confronted with the practical problem which he has discussed this morning with the leadership. It is not proposed that this bill go to conference. We do not know whether there will be a quorum left in the House after today. We want this bill to pass.

The leadership has told me that if we put an amendment such as that described by the Senator from Oklahoma in the bill, the leadership on the floor, whether they liked the tenor of it or not, would probably be called upon, for practical reasons, to oppose it. The leadership has informed me that it will go along with my safeguarding amendment. Members of the committee have given me like assurance.

I have made it crystal clear in my amendment and in my discussion today that we are not conceding any constitutional right. But we have a working arrangement. We hope it will work. If it does not work, we can enact another law next year, when we shall have a full session in which to debate it and send it to Congress.

I would make the provision even tighter than has been described. I should like to write a constitutional provision, but one branch of the Government cannot effectively do that. We must have the approval of the Executive, and we must have the approval of the Judiciary. We have certain constitutional rights, but we are a coordinate body.

Suppose we were to enact a law allowing Congress to interpret the Constitu-



tion and write a provision affecting the Constitution. The President might veto it. We might pass it over his veto. What next? We would have to get it past Chief Justice Warren and his cohorts on the Supreme Court.

It is a big question. It has been at issue ever since we have had a Government. Senators know how much I admire Thomas Jefferson. He criticized John Marshall for saying that the Constitution gave the Court the right to declare an act of Congress unconstitutional. He said that was the province of the sovereign States, and that the Chief Justice was usurping power.

Nothing was done about it. Senators recall how Congress went along cheerfully with all the reform programs of President Franklin D. Roosevelt. It was called a "rubber stamp" Congress, but it did not claim that the executive was overriding it. The Supreme Court would not approve those reform measures, and opposed the plan to pack the Court, which very nearly succeeded.

This is no new issue. It is somewhat more accentuated when the President is of one party and the Congress is of another. We ought to come to grips with the problem. However, as a practical matter, I do not see how we can do it on the last 2 days of the session, and write something into law.

If the Senator from Oklahoma wishes to assume the responsibility for having adopted an amendment which might or might not pass the Senate, and might go to conference, the Senator from Virginia will not oppose him. But the Senator asked for the practical, honest-to-goodness opinion of the Senator from Virginia. He has stated that on the basis of his conferences with the leaders in the Senate, he has done the best he could to protect the constitutional rights of Congress with respect to following appropriated money.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. ROBERTSON].

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. CHURCH. I commend the distinguished Senator from Virginia for having championed a cause which seems to me to be of vital importance to the Congress and to the Nation. I want him to know that I support the amendment which he has offered, in the form he has now offered it, for two reasons.

First. I believe that this late in the session it would be impracticable even to attempt to obtain more.

Second. Because the statements the Senator from Virginia has made on the floor of the Senate today indicate that this amendment is not intended to constitute a precedent or a concession of any kind by the Senate with respect to the claim which is being made on the part of the executive as to the executive's prerogative to withhold necessary information from the Congress.

Mr. ROBERTSON. The Senator is correct.

The pending proposal is a stop-gap measure, to get us past a troublesome situation.

Mr. CHURCH. I pledge my wholehearted support for the proposal made by the Senator from Oklahoma [Mr. MONRONEY]. At the appropriate time next year, in the authorization bill, we should go further and supply a specific remedy if the President refuses information, so that the Congress will have a way to compel its production.

Mr. MORSE obtained the floor.

Mr. HAYDEN. Mr. President—

Mr. MORSE. Mr. President, I will say to my colleagues that I intend to speak at some length on this question, because I propose to make legislative history.

Mr. HAYDEN. Mr. President—

The PRESIDING OFFICER. The Senator from Oregon has the floor. He is speaking on the pending amendment.

Mr. MORSE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names.

|               |                |                |
|---------------|----------------|----------------|
| Aiken         | Ervin          | Mansfield      |
| Allott        | Fong           | Martin         |
| Anderson      | Frear          | Monroney       |
| Bartlett      | Fulbright      | Morse          |
| Beall         | Gore           | Morton         |
| Bennett       | Green          | Moss           |
| Bible         | Gruening       | Mundt          |
| Bridges       | Hart           | Muckie         |
| Bush          | Hayden         | Neuberger      |
| Butler        | Hickenlooper   | Pastore        |
| Byrd, Va.     | Hill           | Prouty         |
| Byrd, W. Va.  | Holland        | Proxmire       |
| Cannon        | Hruska         | Randolph       |
| Capehart      | Humphrey       | Robertson      |
| Carlson       | Jackson        | Russell        |
| Carroll       | Javits         | Saltznstall    |
| Case, N.J.    | Johnson, Tex.  | Schoeppel      |
| Case, S. Dak. | Johnston, S.C. | Scott          |
| Chavez        | Jordan         | Smathers       |
| Church        | Keating        | Smith          |
| Clark         | Kerr           | Sparkman       |
| Cooper        | Kuchel         | Stennis        |
| Cotton        | Langer         | Talmadge       |
| Curtis        | Lausche        | Thurmond       |
| Dirksen       | Long, Hawaii   | Wiley          |
| Dodd          | Long, La.      | Williams, N.J. |
| Douglas       | McCarthy       | Williams, Del. |
| Dworshak      | McClellan      | Yarborough     |
| Eastland      | McGee          | Young, Ohio    |
| Ellender      | McNamara       |                |
| Eagle         | Magnuson       |                |

The PRESIDING OFFICER. A quorum is present. The Chair recognizes the Senator from Oregon.

Mr. MORSE. Mr. President, I believe it is very important that we—

Mr. JOHNSON of Texas. Mr. President, would the Senator from Oregon yield so that we may present some resolutions?

Mr. MORSE. I will if I may be permitted to finish the first sentence of my speech.

Mr. President, I believe it is very important that a rather detailed legislative history be made on the amendment which is pending before the Senate. In my judgment, if that legislative history is not made today, the danger is, in spite of what the Senator from Virginia says as to his intention and the intention of the coauthor of his amendment and the intention of the committee in agreeing to take the conference amendment, that a very bad precedent will be established. In order to avoid the danger of that precedent we need a little review of the constitutional history of this whole matter of executive privilege, and I intend to make such a review at some length.

I yield to the majority leader with the understanding that I do not lose my rights to the floor.

#### INCREASED MEMBERSHIP OF COMMITTEES ON INTERIOR AND INSULAR AFFAIRS AND PUBLIC WORKS

Mr. JOHNSON of Texas. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the resolution.

The resolution was read, as follows:

*Resolved*, That (a) paragraph (1) of rule XXV of the Standing Rules of the Senate (relating to standing committees) is amended—

(1) by striking out "fifteen" in subparagraph (n) (relating to the Committee on Public Works) and inserting in lieu thereof "seventeen"; and

(2) by striking out "fifteen" in subparagraph (m) (relating to the Committee on Interior and Insular Affairs) and inserting in lieu thereof "seventeen".

(b) The third sentence of paragraph (4) of rule XXV of the Standing Rules of the Senate is amended by striking out "forty-six" and inserting in lieu thereof "forty-seven".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. CASE of South Dakota. Reserving the right to object, may I ask the distinguished majority leader and the distinguished minority leader whether it is anticipated that this increase of the Public Works Committee to 17 will be permanent?

Mr. JOHNSON of Texas. For the remainder of this Congress.

Mr. CASE of South Dakota. For the remainder of this Congress?

Mr. JOHNSON of Texas. It is for the remainder of this Congress.

Mr. CASE of South Dakota. I withdraw the reservation.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 193), was agreed to.

#### APPOINTMENT OF SENATOR LONG OF HAWAII AS MEMBER OF COMMITTEES ON INTERIOR AND INSULAR AFFAIRS AND PUBLIC WORKS

Mr. JOHNSON of Texas. Mr. President, I send to the desk a resolution and ask that it be ordered to be considered.

The PRESIDING OFFICER. The clerk will read the resolution.

The resolution was read as follows:

*Resolved*, That Mr. LONG, of Hawaii, be, and he is hereby, assigned to service on the Committee on Interior and Insular Affairs and the Committee on Public Works.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 194) was agreed to.

#### APPOINTMENT OF SENATOR FONG AS MEMBER OF COMMITTEES ON INTERIOR AND INSULAR AFFAIRS, AND PUBLIC WORKS

Mr. DIRKSEN. Mr. President, I submit a resolution and ask for its immediate consideration.



The PRESIDING OFFICER. The clerk will read the resolution.

The resolution was read, as follows:

*Resolved*, That Mr. FONG, of Hawaii, be, and he is hereby, assigned to service on the Committee on Interior and Insular Affairs and the Committee on Public Works.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 195), was agreed to.

#### COMMITTEE ON UNEMPLOYMENT PROBLEMS

Mr. JOHNSON of Texas. Mr. President, I send a resolution to the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will read the resolution.

The resolution was read, as follows:

S. RES. 196

*Resolved*,

SECTION 1. That there is hereby created a special committee to be known as the Committee on Unemployment Problems and to consist of nine Senators to be appointed by the President of the Senate as soon as practicable after the date of adoption of this resolution.

SEC. 2. It shall be the duty of such committee to make a full and complete investigation and study of unemployment conditions in the United States, giving particular consideration to areas of critical unemployment for the purpose of determining what can be done to alleviate such conditions and to report its findings and recommendations to the Senate no later than January 31, 1960. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill or otherwise have legislative jurisdiction.

SEC. 3. The said committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

SEC. 4. A majority of the members of the committee or subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 5. The committee shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary in the performance of its duty. The committee is authorized to utilize the services, information, facilities, and personnel of the various departments and agencies of the Government to the extent that such services, information, facilities, and personnel, in the opinion of the heads of such departments and agencies, can be furnished without undue interference with the performance of the work and duties of such departments and agencies. The committee is authorized to procure, by contract or otherwise, the services of public or private organizations or institutions.

SEC. 6. The expense of the committee, in an amount not to exceed \$100,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 196) was agreed to.

Mr. DIRKSEN. Mr. President, earlier in this session, 67 Senators, I believe, sponsored a resolution to create a Commission on Unemployment and related problems. That resolution went to the House. No action was taken there. Perhaps the amelioration of conditions in the country was an outstanding factor. I think it is generally agreed, however, that there are some pockets of unemployment in the country which might well be explored. This, therefore, is simply a Senate resolution to enable Members of the Senate to make an investigation in this field. I have no objection to the resolution.

The PRESIDING OFFICER (Mr. LONG of Hawaii in the chair). Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate reconsider the vote by which the resolution was agreed to.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I commend the majority leader for submitting the resolution and the minority leader for supporting it, because the resolution is in line with a statement which the majority leader, to my recollection, made earlier this year when there was a conference in the District in regard to problems of unemployment. The majority leader, I recall, addressed that conference and made a very notable speech. At that time, in effect, he said that Congress would give attention to this problem, and the fact that it has not been possible to have both Houses act on it does not relieve the Senate of its responsibility. The majority leader, obviously by this resolution recognizes our obligation and has submitted the resolution. I commend him highly for his labor statesmanship in regard to it.

Mr. JOHNSON of Texas. I thank the Senator from Oregon.

#### INTEREST RATES ON UNITED STATES SAVINGS BONDS—CONFERENCE REPORT

Mr. JOHNSON of Texas. Mr. President, the Senator from Virginia [Mr. BYRD] desires to submit a conference report on the E and H series savings bond bill, which passed the Senate only a few days ago. I ask that he be permitted to submit the report now, so that it may be laid before the Senate.

Mr. BYRD of Virginia. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9035) to permit the issuance of series E and H U.S. savings bonds at interest rates above the existing maximum, to permit the Secretary of the Treasury to designate certain exchanges of Government securities to be made without recognition of gain or loss, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BYRD of Virginia. Mr. President, the conference report on H.R. 9035 permits the issuance of series E and H U.S. savings bonds at interest rates above the existing maximum, to permit the Secretary of the Treasury to designate certain exchanges of Government securities to be made without recognition of gain or loss, and for other purposes.

Mr. President, this bill, which the Senate considered only this week, is primarily concerned with raising the statutory limitation on interest rate on U.S. series E and H savings bonds. The current maximum rate on these bonds is 3.26 percent. The House bill would remove this limitation altogether.

It will be recalled that the distinguished Senator from New Mexico [Mr. ANDERSON] offered an amendment on the floor of the Senate to provide that in no event may the interest rate or the investment yield on these series E and H savings bonds exceed 4¼ percent. It will further be recalled that the Senate, after considerable debate, adopted this amendment by the vote of 45 to 41.

The conferees, recognizing the importance the Senate attaches to this amendment, insisted on this limitation of 4¼ percent. Only after extended conference discussion on this point, including conference meetings on three different days, have the conferees been able to obtain agreement on this point. The conferees on the part of the House, however, finally accepted the 4¼ percent limitation.

The 4¼ percent maximum in the case of new issues of savings bonds will apply for the period from the issue date to maturity. In the case of bonds which mature on or after June 1, 1959, and for which the Secretary provides an extension period during which the bonds may earn interest, the 4¼ percent maximum is to apply for the extension period. Similarly the 4¼ percent maximum will apply to any increased interest payments, or increases in value, provided in the case of existing bonds for periods beginning on or after June 1, 1959.

In order to obtain the consent of the conferees on the part of the House to the 4¼-percent limitation on savings bonds, it was necessary for the conferees to recede on the other point at issue in the conference.

I am referring to the provision in the House bill authorizing the Secretary of the Treasury, by regulations, to provide for the tax-free exchange of one U.S. Government obligation for another. This was requested by the administration as a portion of their advance re-funding program.

The Finance Committee in considering this provision recommended to the Senate, and the Senate adopted, an amendment limiting this tax-free ex-



table were a great many officials of the Department. They included the able Ambassador William Lacy who had negotiated the famous Lacy-Zaroubin Agreement, together with many Foreign Service officers. I told Bill Lacy, in front of all those present, that I regarded the agreement he had negotiated as one of the greatest—if not the greatest—single contributions to world peace in the postwar decade.

Despite progress, however, we have not really begun to get inside the Soviet Union. John Gunther wrote "Inside Soviet Russia Today," but we Americans have not really been inside that vast country or inside the Soviet mind. We have not really come to know the Soviet people, nor they us.

#### NEW COMMITTEE PRINT AVAILABLE

In this connection, I should like to cite to my colleagues a new 57-page booklet entitled "United States Exchange Programs With the Soviet Union, Poland, Czechoslovakia, Rumania, and Hungary."

This committee print shows the many delegations which have been exchanged between the countries during the last 1½ years in such fields as agriculture, education, music, the physical sciences, medicine, industry, and other fields.

#### ORIGIN OF BOOKLET IN MOSCOW VISIT

The booklet arose out of my own visit to Moscow and my study of the medical exchange program. I went there in my capacity as chairman of the Subcommittee on Reorganization and International Organizations of the Committee on Government Operations, conducting an international health study, as authorized under Senate Resolution 347, 85th Congress. Thereafter, I asked the State Department for a comprehensive report not only on the medical exchange, but on all other exchange programs under the agreement. The Department made the report and in a very helpful and informative fashion.

The material was turned over to the Committee on Foreign Relations; this subject logically falls within its vast and essential jurisdiction. Through the courtesy of the distinguished chairman, my able colleague from Arkansas [Mr. FULBRIGHT], the booklet was thereafter issued as a committee print by the Committee on Foreign Relations.

It is fitting that it was he who arranged this, because no single Member of the Senate has done more to awaken the people of the world to the value of exchange programs than has the famed author of the Fulbright Act.

Several thousand copies of the booklet have now been published. I would like to see one in the hands of every American university, for student exchanges are one of the most important programs. And I would like to see every American cultural organization see it, so as to stimulate their own thinking on future exchanges, formal and informal.

I cordially invite my colleagues to secure copies of the booklet. A supply may be obtained from the Committee on Government Operations. The Committee on Foreign Relations has kindly made available a large number of copies to that committee.

I hope, therefore, that after the Khrushchev visit exchanges will proceed full speed ahead and that there will be adequate money to finance travel by American exchange missions to the U.S.S.R.

#### PUBLIC LAW 480 FOREIGN CURRENCY LOAN REPAYMENTS

Mr. HUMPHREY. Mr. President, I have a brief statement in reference to the conference report on the amendment to Public Law 480, to clarify a point which was developed in that report.

The committee of conference did not adopt a provision in the Senate version which would have specifically authorized foreign currencies which are now beginning to come in through payments of principal and interest on loans made under section 104(g) of Public Law 480 to be used for assistance in the establishment and operation of binational foundations for the purpose of promoting education, health, and public welfare. This action by the committee does not mean that these foreign currency repayments are frozen from any use whatever. Rather, as I understand it, these foreign currency repayments, like the foreign currencies originally received on sales of surplus commodities under title I, may be used under existing law for the various purposes set forth in section 104 of Public Law 480—for example, to help develop new markets abroad for U.S. agricultural commodities, or possibly for binational foundations which will contribute to economic development. I described the possibilities under this section in my remarks of Friday, September 11, on page 17533, when I said, "Certain provisions under section 104 are maintained without change or interference \* \* \* it should be understood that the use of foreign currencies is supplemental to, in addition to, regular appropriations."

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendments, as modified, of the Senator from Virginia [Mr. ROBERTSON].

Mr. MORSE. Mr. President, as I stated a few minutes ago, I think the pending amendment raises such an important problem of constitutional law that even though the chairman of the Committee on Appropriations and others on that committee are willing to take it to conference, I do not think it should go to conference until legislative history in much greater detail than has been made on it.

The Senator from Virginia [Mr. ROBERTSON] deserves great credit, thanks, and appreciation from the Senate for his sincere attempt to provide something in this law which, at least, will give us a procedure by which we may be able to obtain from administrative and regulatory bodies within the administration the information we need con-

cerning the expenditure of appropriated funds.

But even the distinguished Senator from Virginia would be the first to admit that the language he brings to the floor of the Senate is not the language he would like to bring to the floor of the Senate. He would prefer to go much further.

The Senator from Oklahoma [Mr. MONROE] made the suggestion that we try to put some teeth into the amendment by making it perfectly clear that if there were received a certification by the President that he considered the disclosure of the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested to be contrary to the public interest, we would review the certificate and decide for ourselves whether or not the President showed good cause in the certificate for not making the information available.

If we should reach the conclusion that we were not satisfied with his certification, we would notify him that unless the material were to be submitted to us forthwith, any further expenditure of money from appropriated funds would, in effect, be stopped by Congress impounding the funds. Either we must come to grips with this issue, or, in my judgment, we shall be guilty of surrendering a very precious congressional power and right to an administration which already has taken us a long way down the dangerous road of government by the Executive.

In the course of my remarks this afternoon I intend to discuss Marbury versus Madison, which is the constitutional landmark case of 1803. In my judgment, that case gave rise to the consideration of this problem.

I shall discuss some other legal precedents involving this very important constitutional point; but at the outset of the speech I wish to make it very clear that in my judgment the Robertson amendment does not meet the problem which confronts us. It is better than nothing, but that is about all I can say for it.

The amendment does make it clear that the Congress still has the right to follow appropriated funds and that it has the right to stop the expenditure of such funds if it cannot receive information from the administrators of the various departments as to how such funds are being spent.

#### HISTORY OF EXECUTIVE PRIVILEGE

Mr. President, the study most frequently referred to in the consideration of legislative-executive relations and the issue of withholding information sought by Congress is the one done by Herman Wolkinson which appeared in the Federal Bar Journal of April 1949.

Wolkinson goes through an interesting list of contests between the President and the Congress over information possessed by executive departments. He cites cases in the Washington, Jefferson, Jackson, Tyler, Polk, Buchanan, Cleveland, Theodore Roosevelt, Coolidge, Hoover, F. D. Roosevelt, and Truman administration which he claims demonstrate that the President has always won



out when he desired to withhold information from Congress.

This study was apparently the basis for a memorandum which the Attorney General furnished the President and which was in turn passed from the President to his Secretary of Defense in a letter dated May 17, 1954.

The President said to the Secretary of Defense on that occasion:

Within this constitutional framework each branch should cooperate fully with each other for the common good. However, throughout our history the President has withheld information whenever he found that what was sought was confidential or its disclosure would be incompatible with the public interest or jeopardize the safety of the Nation. \* \* \* Because it is essential to efficient and effective administration that employees of the executive branch be in a position to be completely candid in advising with each other on official matters, and because it is not in the public interest that any of their conversations or communications or any documents or reproductions concerning such advice be disclosed, you will instruct employees of your Department that in all appearances before the subcommittee of the Senate Committee on Government Operations regarding the inquiry now before it they are not to testify to any such conversations or communications or to produce any such documents or reproductions. This principle must be maintained regardless of who would be benefited by such disclosures.

Unfortunately, the study done by Mr. Wolkinson argues so completely from the executive point of view that it overlooks a very important fact about many of the issues he cited between the Executive and the Congress.

That fact is that in many of his own instances the President involved reiterated his right to withhold information under certain circumstances, but complied with the congressional request in the case at issue. At times when our Presidents have set forth their most ringing declarations of Executive powers they have at the same time decided that what Congress wanted, Congress was entitled to have.

In the hearings before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee on March 19, 1959, Mr. J. R. Wiggins, vice president of the Washington Post, went through the list of historical cases listed by Herman Wolkinson and pointed out how several of them fail to prove Mr. Wolkinson's conclusion.

I quote from Mr. Wiggins' statement, beginning on page 180 of the printed hearings:

In a memorandum on congressional powers previously referred to the Department of Justice has stated these propositions:

"(1) For over 150 years—almost from the time that the American form of government was created by the adoption of the Constitution—our Presidents have established, by precedent, that they and members of their Cabinets have an undoubted privilege and discretion to keep confidential, in the public interest, papers and information which require secrecy. \* \* \*

"(2) Courts have uniformly held that the President and the heads of departments have an uncontrolled discretion to withhold the information and papers in the public interest, and they will not interfere with the exercise of that discretion."

These sweeping propositions are not sustained by the argument made in this mem-

orandum. The second proposition is not consistent with some of the cases cited above. The first proposition is not supported by the record of early presidential precedents on which it rests.

#### THE HISTORICAL PERSPECTIVE

The historical background for this sweeping claim of absolute privilege first appeared in the Federal Bar Journal of April 1949, in an article by Herman Wolkinson, entitled "Demands of Congressional Committees for Executive Papers." It is the source document for the statement which the Department of Justice submitted in 1954, accompanying President Eisenhower's letter to the Secretary of Defense of May 17, 1954. It has been drawn upon for the somewhat enlarged memorandum which Attorney General Rogers submitted to the House Committee on Government Operations and to the Senate Subcommittee on Constitutional Rights. The Wolkinson article concluded with the statement:

"In the great conflicts which have arisen, in the administrations of Washington, Jackson, Tyler, Cleveland, Theodore Roosevelt, and Herbert Hoover, the executive has always prevailed."

This contention is simply not supportable even on the basis of the historical episodes to which Mr. Wolkinson alludes and which the Department of Justice has incorporated in its memorandum. Space does not permit or time allow the examination of all these historical incidents but it is worth while to examine at least the early episodes which were of such importance as precedents and on which the Wolkinson article and the Justice Department memoranda lay such stress. The memorandum of 1952 is the source of the quotations used in this effort to refresh historical perspective.

#### THE ST. CLAIR EPISODE

As the memorandum states, in March 1792, the House of Representatives passed the following resolution:

"Resolved, That a committee be appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair, and that the said committee be empowered to call for such persons, papers, and records as may be necessary to assist their inquiries."

This resolution related to the disaster encountered by General St. Clair's force of 1,400 men on November 3, 1791, when it was surprised by an Indian attack near a Miami settlement, in which 900 men were lost and the command driven back in disorder.

Before establishing the Congressional committee of inquiry, the House had debated a resolution calling upon the President to undertake such an inquiry but had decided against this course.

Says the Attorney General's memorandum:

"When the committee was bold enough to ask the President for the papers pertaining to the General St. Clair campaign, President Washington called a meeting of his Cabinet."

A description of this meeting (there were really two meetings) is taken from Jefferson's notes, which repeat this conclusion of the Cabinet:

"First, that the House was an inquest, and therefore might institute inquiries. Second, that it might call for papers generally. Third, that the Executive ought to communicate such papers as the public good would permit, and ought to refuse those, the disclosure of which would injure the public; consequently were to exercise a discretion. Fourth, that neither the committee nor the House had a right to call on the head of a department, who and whose papers were under the President alone; but that the committee should instruct their chairman to move the House to address the President."

This account of the Cabinet's conclusion was obtained from Thomas Jefferson's writings, but it is not a full account. Thomas

Jefferson, in relating the episode, in addition to the matter reported above, said:

"Hamilton agreed with us in all these points except as to the power of the House to call on the heads of departments. He observed that as to his department, the act constituting it had made it subject to Congress in some points, but he thought himself not so far subject as to be obliged to produce all the papers they might call for. They might demand secrets of a very mischievous nature. (Here I thought he began to fear they would go on to examining how far their own members and other persons in the Government had been dabbling in stocks, banks, etc., and that he probably would choose in this case to deny their power; and in short, he endeavored to place himself subject to the House, when the Executive should propose what he did not like, and subject to the Executive when the House should propose anything disagreeable.) Finally agreed to speak separately to the members of the committee, and bring them by persuasion into the right channel. It was agreed in this case, that there was not a paper which might not be properly produced; that if they should desire it, a clerk should attend with the originals to be verified by themselves."

Mr. President, one would think that was not 1792, but 1959, because the problem of contest between Congress and the Executive over the issue of Executive privilege has existed as long as our Republic has existed.

I also want to stress the great difference on this issue between this administration and previous administrations, going back to the time of Washington, Jefferson, and Madison. Those early Presidents—in fact, the Presidents throughout our history, until we have reached this almost blanket mandate from the Eisenhower administration—have taken the position that their right of privilege was discretionary with the President, and that the President would not exercise it unless he, as President, decided that the national interest involved in the request was of such a nature that he had the executive duty to deny the congressional request.

I have no objection to that. In fact, I have taken a position, time and time again in support of the right of Presidents to exercise the doctrine of executive privilege. It is inherent in the separation of powers doctrine.

If we are to have three independent branches of Government, and we must have them for our form of self government and to preserve our independence, then I will not support any proposal which seeks to take away or encroach upon the Executive privilege of any President of the United States, I care not who he is. If I understand the Senator from Virginia [Mr. ROBERTSON] correctly, that is exactly his position.

#### COMPLAINT OF CONGRESS IS WITH THE ABUSE OF EXECUTIVE PRIVILEGE

But what we are objecting to is that this administration, through its Attorney General, has, in effect, sought to delegate a constitutional power of a President to all the administrative officers of his administration. That I contend, is beyond his power. President Eisenhower does not have the constitutional power to give blanket authority to his Cabinet officers, to the heads of the various departments, to the subordinates in those departments, to



the regulatory agencies, to exercise for him the doctrine of Executive privilege.

Certainly this earliest Cabinet in our history together with the first President, set forth that very doctrine and acted on it, as well.

Moreover, when we get to discuss Marbury against Madison later, it will be seen that the very first case in our constitutional history helps clarify and support this doctrine, namely, that the use of executive privilege is personal to the President and calls for personal action by the President whenever an issue is raised between Congress and the executive branch of the Government over a request by Congress for information.

That is a power which resides with the President, an elected representative of all the people of the Nation. It was not intended as a power which he could delegate to some bureaucrat who never stood for election; or who, if he did stand for election, was defeated and was then appointed by the President to fill some administrative office. With that type of bureaucrat this administration is honey-combed.

The legal argument I make this afternoon is based on the premise that executive privilege is personal to the President. When he exercises it personally, he will never find a stronger defender of that principle than the senior Senator from Oregon. I have defended it over and over again.

I remember that I defended it at the time of the MacArthur hearings, when I was a member of the Committee on Armed Services, and an attempt was being made to get a statement, through testimony, from General Bradley on one occasion, and Secretary of State Acheson on another, as to what was said at conferences held at the White House prior to the action which President Truman took in connection with the MacArthur incident.

Those witnesses took the position, and rightly so, that they did not feel that they were free to testify as to what happened in the meetings with the President of the United States at the White House, without the approval of the President. That was a perfectly sound position for them to take. They contended that the committee, therefore, could not press against the witnesses, but could only seek from the President the authority for them to tell, with the permission of the President, what transpired at the White House conferences. The RECORD will speak for itself.

When it was suggested that perhaps the committee should have considered holding the witnesses in contempt because of their refusal to disclose what happened in the White House conferences, we had, in respect to one of the instances, quite a discussion and a vote, and a majority of us sustained the doctrine of executive privilege.

We could have taken the next step, and could have sought to get the President to give permission for them to testify about what was said at the White House conference. But we did not do so, because all of us recognized that we were dealing with a matter which obviously was one in which a President

would not give such consent, and should not be expected to do so; and we thought that, under the circumstances, it would be an affront to him to ask him to do so.

I refer to this matter only to point out that the Congress has been a great respecter of executive privilege. It seems to me that in the discussions of the matter of executive privilege, there is sometimes sought to be created in the public mind the impression that Congress lies in ambush, waiting to embarrass an administration by seeking to obtain from it information which good, commonsense would indicate Congress should not request, whereas if Senators really believed in the doctrine of the separation of powers—and, Mr. President, if we do not, of course we have no place in this body, because the doctrine of the separation of power is one of the most precious of the constitutional checks—they should not ask the President to make available to them any material which might fall within the prerogatives of the President under the doctrine of executive privilege.

#### NO EXECUTIVE PRIVILEGE AT ISSUE IN ECONOMIC AID

However, Mr. President, such a situation does not exist in the case at point. The ICA was created with the approval of Congress; the ICA administers hundreds of millions of dollars of the funds of the taxpayers, in connection with the economic-aid program. As the Senator from Virginia [Mr. ROBERTSON] has pointed out, by means of the original amendment we were not seeking to obtain any necessarily secret information about what happens in connection with the expenditure of the funds appropriated for military purposes by Congress.

It is not my position that we should not do so, although when we try to obtain information about what happens to the funds appropriated for military purposes, we much more frequently encounter legitimate uses of the executive privilege than we do when we seek to obtain information about the expenditure of the funds which have been appropriated for economic aid.

So, although I shall discuss for a few minutes the fact that we are seeking to obtain from the ICA information about what has happened to the funds appropriated for economic aid, under the foreign aid program, I do not want that to be interpreted in the future as seeming to be a concession by me that Congress would be acting beyond its prerogatives if it sought to obtain from the executive branch information in regard to what happens to funds which have been appropriated for military aid.

Not one of us, to my knowledge, ever has asked, or would ask, the administration for information in regard to any matter which would involve top military secrets. In view of the Executive powers of the President, I do not think we should attempt to obtain information from the President which could, by means of the process of deduction, result in the disclosure of information about a military secret, which would be helpful to a potential enemy. In such cases, all the

President would have to do would be to say, "I cannot give you this information, because it relates to matters which, in my opinion, as Commander in Chief, I must keep secret, even from the Congress."

Here, again, history shows that past Presidents have leaned over backwards in trying to cooperate with the Congress in providing all the information which could be given to Congress without having the President violate what he considered to be his duty, under the Constitution not to make public information which, in his opinion, the best interests of the Nation required him to keep secret.

It becomes a matter of judgment and of degree, and also a matter of whether there is an intent and a desire on the part of the Executive at any given time to try to cooperate with the legislative, elected officials of a free people, and to try to carry out what I believe was obviously intended in connection with our Constitution—namely, that the branches of the Government work together, not against each other. When they come to an issue on which there is an honest and sincere difference of opinion, the two bodies involved—the legislative branch and the executive branch—should carry out their constitutional powers under our system of checks and balances—which, in the case of a measure passed by the legislative branch, would mean a Presidential veto of that act of Congress, following which the Congress would have the right to override the veto by means of the necessary two-thirds vote; or, in this case, the right of the President to say, "I exercise the Executive privilege in this case because in my judgment it will not be in the national interest to make this particular information available to you."

But that is quite different from doing what I respectfully submit this administration has attempted to do; and I believe that the memorandum of the Attorney General, to which I shall refer later, makes that clear—namely, that the President issued to the Defense Department a directive in which, in effect, he said to its employees, "You are free to exercise my Executive privilege." Mr. President, to that, I will never agree.

I intend to insert in the RECORD a considerable amount of the material I have prepared in connection with this argument, Mr. President. However, the development of the legislative history in regard to this amendment is so important that we must not permit the amendment to go through the Senate today with only the small amount of discussion which has occurred thus far in regard to the importance of this constitutional issue.

So, Mr. President, I shall take a few moments more to discuss some of the early history; and then I shall insert in the RECORD the remainder of my comments on the specific cases, and thus save a great deal of time.

Mr. President, that account of the Cabinet's conclusion was obtained from Thomas Jefferson's writings; but it was not a full account.



Next I wish to call attention to an account in Freeman's biography of George Washington:

The copies of St. Clair's reports, covered by this message were sent precisely as received, and when published, they were complete. Not even the ugliest line on the flight of the beaten troops was eliminated. Washington had learned long previously the protective value of candor in dealing with the American people and he knew that one reason for their trust in him was their belief he would tell them the whole truth.

As Mr. Wiggins puts it, in the light of this more complete account of that episode, can it possibly be argued that it sustains the position of the Department of Justice or that it supports Wolkinson's statement that the Executive has always prevailed?

The House demanded the papers. The Cabinet agreed that the House might institute inquiries. It thought it might call for papers. It thought the President should exercise discretion, but in this case decided to make all the papers available. The Cabinet felt the House inquiry should have been directed to the President, and not his department heads, but all the papers were nonetheless produced.

I want to repeat that, Mr. President: The Cabinet, at the very beginning of this Republic, agreed that the House might institute inquiries. It thought it might call for papers. It thought the President should exercise discretion, but in this case decided to make all the papers available. It felt the House inquiry should have been directed to the President, and not his department heads, but all the papers were nonetheless produced.

That is the record which Thomas Jefferson, a member of that first Cabinet, leaves as to its judgment on the nature of executive privilege.

I think that is pretty sound procedure today, too. All we are suggesting, in effect, in the amendment offered by the Senator from Virginia, is a sort of a stopgap for the time being, until, in the next session of Congress, we can go into a fuller consideration of this problem by a bill containing broader language, so that if the ICA refuses the Appropriations Committee information that it seeks as to what is happening to appropriated funds for economic foreign aid, the President shall then make the decision himself on the specific request, and the President shall certify that the information shall not be available to the Congress.

Listen to the language of the Robertson-Ellender-Humphrey amendment:

None of the funds herein appropriated shall be used to carry out any provision of (this act) or with respect to any project or activity, after the expiration of the 35-day period—

The period of 35 days, instead of 20 days, has been accepted—

which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriations for, or expenditures of, the International Cooperation Administration, has delivered to the office of the Director of the International Coopera-

tion Administration a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee or subcommittee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he considers the disclosure of such document, paper, communication, audit, review, finding, recommendation, report, or other material to be contrary to the public interest and has forbidden its being furnished pursuant to such request.

#### AMENDMENT IN KEEPING WITH HISTORIC INTERPRETATION OF EXECUTIVE PRIVILEGE

How sound in American history this amendment is. How fully in keeping with this historical record that I am putting into the CONGRESSIONAL RECORD this afternoon. Starting back in 1792, when the House sought certain information from a Government department, and the President's Cabinet met, as I just got through pointing out, the Cabinet thought that the request should have been directed to the President himself, instead of to a department of Government, but the Cabinet thought, and the President agreed, that the papers asked for, granting of which was discretionary with the President, under the circumstances of that particular case, should be granted to the House committee.

I say that is 1959 all over. The same problem is with us. What has happened in the meantime? In the meantime it has become a common practice for congressional committees to make their requests for information from executive departments, just as they did in 1792. But until recently, Mr. President, when the Congress sought information from some executive department, the executive department sought a ruling from the White House as to whether or not the information should be made available.

This administration is trying to change this matter of personal executive privilege into departmental executive privilege; and I say that is not contemplated by the Constitution; it is not authorized by the Constitution; and, in my judgment, if we can ever get the question before the Supreme Court for a judicial determination, it will not be sanctioned by the Court, on constitutional grounds.

So all the Senator from Virginia is doing at the present time is, if one wants to put it this way, making it perfectly clear that a denial of a request for information from ICA must receive the President's personal attention by this requirement of a Presidential certification that the material is to be denied.

I would go further. I would draw the issue as the Senator from Oklahoma [Mr. MONRONEY] suggested that it be drawn; but, if I understood the Senator from Oklahoma correctly, it was his position that perhaps for the time being we should go only as far as the Robertson-Ellender-Humphrey amendment goes,

with a notice to the administration that by so doing we concede nothing and that by so doing we give notice that come the next session of Congress, we intend to take this matter up again. We should seek to get it clarified further and enact legislation that will then come to grips with the administration with a provision that impounds funds so far as concerns making any more funds available for any particular project about which we seek information being denied to us by the President.

Until Congress enacts that kind of legislation, it is going to be very difficult to get the question at issue before the Supreme Court for a decision. I think this matter has now taken such proportions, Mr. President, and is so threatening our legislative rights here in the Congress, that we need to get the question before the Supreme Court for a final determination.

#### CONGRESS SHOULD REOPEN MATTER NEXT YEAR

If the Monroney amendment were pressed at this time I think it would accomplish that purpose, but in a spirit of great cooperation, I am not going to press for it. I am going to accept the Robertson amendment although, as I say, I think it is a rather toothless amendment. It is hardly aught but a serving of notice of our insistence that we are not receding from any of our rights, and it has the additional effect of at least putting the President in a position where he is bound to file a certification called for by the act if he wishes to get the money for the project.

As I interpret the amendment, if the President routinely gives certification, there is no language in the amendment which would lay a basis for our doing anything about it. The Senator from Virginia [Mr. ROBERTSON], if I understood him correctly, said we had the power of the purse. We have the power of the purse as to the next appropriation bill, but we would not have any authority over the money already appropriated unless language were put in along the lines of the language proposed by the Senator from Oklahoma [Mr. MONRONEY].

On the other hand, I am never going to take the position with respect to our present President or any other, a man who has been elevated to the greatest office not only in our country but in the world, that once there is laid on his desk the language of the Robertson amendment, which provides for a request for a certification—and that is about the best that can be said for it—that a President is going to take lightly the filing of such certification. I think this or any other President would respect the purpose and the intent of such legislation.

#### PRESENT CONTROVERSY OVER ICA EVALUATION REPORTS

So I think it is in effect stop-gap legislation which will serve notice on the administration that we do not feel very kindly about the number of times we have been denied, not by the President personally, but by his departments and executive officials, information to which we think we are entitled if we are to carry out our legislative trust to the American people.



In the Foreign Relations Committee this year we spent a great deal of time discussing this problem, because we were concerned about the evidence being submitted to us and the allegations being filed as to corruption, inefficiency and waste in the administration of the Foreign Aid program.

We knew the administration had on file a whole series of so-called evaluation reports, that is, reports on the operation of the foreign aid program, prepared for the administration by competent experts who had been sent out to make a survey, to take a "look-see," to make an analysis of the administration of the foreign aid program and report back to the President through the Department of State. This has become known in this debate as the ICA evaluation report.

Consistently the ICA has denied us those reports. I want the American people to know as a member of the Foreign Relations Committee that those reports would have been of great help to us in evaluating the operation of the foreign aid program in various parts of the country. Making those reports available to us would have saved the taxpayers of this country many, many thousands of dollars.

Let me tell, Senators, what is bound to happen now. The Senator from Virginia referred to it in passing. Let us consider the investigation that the Committee on Foreign Relations has been conducting in connection with charges that there has been great waste in Vietnam. There is an evaluation report on Vietnam, and we would like to have seen it. What is so secret about that? As the Senator from Virginia [Mr. ROBERTSON] has indicated, we are going to have to send out legislative investigatory committees to duplicate what this group of evaluators sent out by the executive branch of the Government have already done.

Does that make sense? It makes nonsense to me, so far as the duplication of expenditure is concerned. But the Senate still has the duty to get the facts as the basis for future legislative action. If the executive branch of the Government will not cooperate with us by giving us the information they have already collected, and which we can judge for ourselves, we may have to conduct independent investigations. It would be much more sensible to make use of their reports. After we had studied their evaluation reports, we could decide whether we would be justified in conducting a new and independent investigation.

Mr. President, it is just horseshense. I do not want them to turn over to us any top secrets which would injure my country if they should get into the hands of potential enemies. When I had a representative of the State Department on the stand for the Committee on Foreign Relations, I asked him some questions about the reason for their action. Now, let the record speak for itself. In the course of my examination of that State Department official, I asked him how many people had seen these evaluation reports this group of evaluators filed with the Department of State, and

through the Department of State with the President. The testimony will show he said some 25 or 30.

I asked him, "Who are they? Of the 25 or 30, how many of them are elected officials?"

If you count the President and the Vice President, there would be two. Of course, we all know the President really sees very few of them. We know they are handled by appointed officers who were not elected. They are handled by people in the ICA and in the Department of State. In fact our discussion in committee showed there was no certainty that the Vice President could see them. It was agreed if he sought to see them, in all probability he would be allowed to do so. But he is not necessarily assured the right to see them. And so we have this information that the congressional committee seeks to look at in order to reach a judgment as to whether foreign aid is being properly administered in Vietnam, Laos, or anywhere else where we are spending so much money.

This information is available to a group of appointed individuals or individuals serving as civil servants under our career system. If they can see them, as we said in our discussion in the committee, what is so wrong with letting members of the Committee on Foreign Relations of the U.S. Senate see those reports? Why may we not see them?

Why may not we see them, in order that we may better determine whether or not we are appropriating too much money, in order that we may better determine whether or not we should modify the foreign aid law in some particular, perhaps in respect to personnel? If the evaluation reports show that there are inefficiencies or wrongdoings, perhaps it is because our standards for selecting personnel are not right.

I have been at a loss to find a single good reason why the Foreign Relations Committee of the Senate and the Foreign Affairs Committee of the House, to which committees come requests from the administration for authorization for the whole mutual security program, cannot be taken into the confidence of the administration. At the very least they should be allowed to take a look at the evaluation reports, which have been filed in the field. After all, some 25 or 30 appointed officers or civil service officers of the State Department or the ICA are allowed to see the reports. If the present arrangement makes sense, I become lost in that kind of logic. It does not make sense. It is not in the interest of the American people.

What do I think the general practice should be? The general practice should be what it has been on the part of past Presidents throughout our history. Starting with the case I just cited, back in 1792, it was thought that the material and papers asked for were papers which the President, at his discretion—and the Cabinet made that very clear—should make available to the House committee, and did. Thus it will be seen that that is the position of President after President, decade after decade, as issues of Executive privilege have arisen

between the Congress and the President. No President has ever given up his constitutional right to exercise Executive privilege when he has exercised discretion in making material asked for by the Congress available to the Congress, because he reached the conclusion that his action would not in any way jeopardize the public interest.

We are asking that the traditional practice be followed. But we have run up against a stone wall with this administration. We have run up against a President who has, in effect, given blanket authority to his departments to render the decision for him as to whether or not the material should be made available. They notify the Congress that it is not to be available, and we are stopped there.

What the Senator from Virginia seeks to do by this amendment is to provide that the President shall certify that the material should not be available, and give his reasons.

#### THE JAY TREATY

The second historical episode I wish to mention this afternoon is that involving the request of the House of Representatives for instructions and papers furnished our ambassadors who negotiated the Jay Treaty. The facts were all brought out by the great journalist who is known, I am sure, to each one of us, in the statement he made to the Congress. I refer, of course, to Mr. Wiggins, of the Washington Post.

I continue to quote from his statement:

This case no more sustains the claim to sweeping powers of nondisclosure than the first episode. Here, President George Washington refused the papers on the sound and specific constitutional ground that the Senate and not the House was entrusted with authority to advise and consent on the making of treaties. It was because he did not acknowledge that the House was involved in the treaty-making power that he denied the requested papers. This is made plain in the quotations from the President's message by the Department of Justice.

The issue involved appears with greater clarity as a result of a subsequent situation involving diplomatic papers in which President John Adams did respond to a House resolution under conditions that made the House request constitutional.

On Monday, April 2, 1798, the House called up the following resolution:

"Resolved, That the President of the United States be requested to communicate to this House, the instructions to, and despatches from the envoys extraordinary of the United States to the French Republic, mentioned in the message of the 19th instant" (which reported the failure of the negotiations with France).

It was then proposed to add the following amendment: "excepting such parts of said papers as any existing negotiation may render improper to be disclosed."

Then Mr. Nicholas said he "did not think it would be right in the present situation of things—when we are told by the President that the negotiation with the French Republic is at an end, and that there is no chance of an accommodation taking place between the two countries—to agree to any exception of this kind. Called upon to act in this desperate state of things, he thought it would not be right for any part of the papers which had led to it to be withheld from Congress. The President having thought fit to declare that all negotiation is



at an end, that he is without hope of an accommodation, it could not be thought proper that the legislature should be called upon to act upon less information than that upon which the President himself had acted. He thought the Constitution must have intended this when it placed the power of declaring war in their hands; to suppose the contrary, would be to suppose an absurdity."

The author of the amendment wished to withdraw it rather than have a vote on it (that seemed likely to be unfavorable) and in so doing stated that he thought the President had the constitutional power to withhold such parts of the papers as he felt it improper to communicate.

Mr. Harper said, "The present call for papers stood upon a very different ground from that made when the British Treaty was under consideration; the objections, of course, against that call would not apply in the present case, as the papers now called for were wanted to throw light upon a subject confessedly within the constitutional powers of the House. He therefore held the call not only to be constitutional but expedient. Nor could he see any ground for the amendment; if the House had a constitutional right to ask for information, they had a right to ask for the whole information, and the President would judge how far he could with propriety comply with the call. But since the House did not know that the communication of any of these papers would be improper, the whole ought to be called for; and, if the President should think it proper to retain a part, he would doubtless give sufficient reasons to the House for doing so. On a former occasion when it was moved to modify the resolution calling for papers in the way now proposed, the motion was rejected, because it went to alter the principle contended for; and he believed the same reason would lead to a rejection of the present motion."

The amendment was then defeated and the resolution itself adopted, by a vote of 65 to 27.

On April 3 the President sent a message to Congress stating: "In compliance with the request of the House of Representatives expressed in their resolution of the 2d of this month, I transmit to both Houses the instructions to and dispatches from the Envoys Extraordinary of the United States to the French Republic, which were mentioned in my message of the 10th of March last, omitting only some names, and a few expressions descriptive of the persons."

What now of the allegation that "the Executive has always prevailed?"

Here is a perfect illustration of the limits of Executive privilege, of the difference between a request that was unconstitutional because it exceeded the powers of the House, and one that was constitutional because it was within the powers of the House. There is, as well, an illustration of the readiness of the House to accept the sound reasons of the Executive for withholding the names that went down in history as participants in the XYZ affair.

It is not to be overlooked that the disclosure of the instructions to our ambassadors in the matter of the Jay treaty would have divulged to a hostile House that the Embassy had achieved few of the things it was instructed to obtain. And it is not to be forgotten that Adams dealt the House Republicans a sharp political rebuff by the XYZ disclosures.

So, Mr. President, from the very first administration of this Republic the first President of our Nation recognized that he had the personal constitutional right to exercise executive privilege, but he also appreciated the fact that he had the executive duty to cooperate with the

legislature, the Congress, to make available to the Congress all such information that it felt it might need in carrying out its legislative duties. I recommend the record of Washington, Jefferson, Madison, and all the other Presidents up to President Eisenhower, because they have carried out in the main, with certain exceptions which I will include in the Record later, the thesis that I am making in the Record this afternoon, namely, that this matter of executive privilege is personal to the President. It is not a privilege that he can delegate by way of a blanket Executive order to men in charge of departments or working in departments, men who never were elected by a free people. It is a responsibility that the President must assume personally.

That is what the Robertson amendment as far as it goes—and it does not go nearly far enough—purports to make perfectly clear in the action that the Senate is asked to take.

#### CONGRESS, TOO, HAS CONSTITUTIONAL PREROGATIVES

I am going to go as far as the Robertson amendment goes, but I hope that come next session Congress will go much farther and will pass legislation which, in my judgment, we have a constitutional right to pass. I am perfectly willing to see Congress pass the legislation and then let the U.S. Supreme Court render a decision as to whether or not we are acting within the framework of the Constitution.

The President undeniably has his prerogative of Executive privilege. But it is also undeniably the prerogative of the Congress to appropriate money and to lay down terms and conditions for its expenditure.

We should pass legislation which makes clear that if we cannot get information from the ICA, for example, on how the foreign aid program is being administered, we will not permit additional funds to be expended on any project until such information is made available to us. When we know that these agencies have reports which have been prepared at the expense of the American taxpayers, when we know that groups of experts have been sent all around the world to make these evaluation reports, and then they take the position under executive privilege that those reports shall be denied to us and force us to spend more taxpayers' money to make congressional investigations of the same subject matter, I am willing to impound their project funds by appropriate legislation.

I am willing that such legislation be passed upon by the U.S. Supreme Court, and I am perfectly willing to say, in my own judgment, if that legislation is properly worded it will be sustained by the Court as a proper exercise under the Constitution of our checking powers upon the executive branch of the Government. When the funds for any project are stopped, as herein suggested, we should then be in a good position to get the matter at issue for Court determination.

Mr. President, from the very beginning of the history of our country this

interpretation of the executive privilege which I am making in this speech this afternoon has been followed by our Presidents until this administration took office. Since that time we have had a great increase in refusals on the part of the President to give us information which we need. Worse than that, we get a directive that in effect seeks to delegate this executive privilege to subordinates within the executive branch of the Government, and I believe, Mr. President, and I speak most respectfully but firmly, that the President is guilty of an abuse of the constitutional prerogative in assigning such executive privileges.

Mr. President, just a word or two about Thomas Jefferson's administration. This is the next item discussed in the Wiggins article.

I think Mr. Wiggins did a remarkable job of legal research in collecting and preparing this analysis of the alleged precedents that Professor Wolkinson cited in his Law Review article. His analysis demolishes the Wolkinson article because it points out that although the Presidents alluded to their right of executive privilege time and time again after stating that they had the right to refuse the papers, they in fact made the papers available.

The Wiggins article continues:

#### PRESIDENT JEFFERSON'S ADMINISTRATION

The House of Representatives' demand upon Thomas Jefferson for the papers in the Burr case is next cited. It is not easy to discover what this episode proves about executive prerogative. In making its request, the House asked for no papers "such as he may deem the public welfare to require not to be disclosed."

Even though the resolution itself exempted papers the President thought should not be disclosed, Jefferson felt obliged to explain the nature of the papers that he did not convey, that is, matter "chiefly in the form of letters, often containing such a mixture of rumors, conjectures, and suspicions as renders it difficult to sift out the real facts and unadvisable to hazard more than general outlines, strengthened by concurrent information or the particular credibility of the relator. In this state of the evidence, delivered sometimes too, under the restriction of private confidence, neither safety nor justice will permit the exposing names, except that of the principal actor, whose guilt is placed beyond question."

The House invited the President to withhold everything that he thought the public welfare required not to be disclosed. He complied with its request, and exceeded it because he was not content to exercise an outright discretion without full explanation of what he withheld and why he withheld it.

Mr. President, what does the Jefferson case prove in regard to his exercise of executive privilege in regard to the Burr controversy? Mr. Wiggins asks:

Is this another of the situations in which the executive has unvaryingly prevailed? When the President does not disclose papers he was not asked to divulge, does this shed much light on his right to the sort of privilege the Justice Department memorandum claims for the Office?

It should be noted at this point that the Burr trial is often cited as an example of executive refusal to comply with a subpoena duces tecum. In his remarks during the Burr trial, Chief Justice John Marshall had indicated that he would require the attendance of the President and asserted the power



of the Court to compel his attendance. But when the writ was drawn up, it contained this statement:

"The transmission to the Clerk of this Court of the original letter of General Wilkinson, and of copies duly authenticated of the other papers and documents described in the annexed process, will be admitted as sufficient observance of the process, without the personal attendance of any or either of the persons named.

"Thus Marshall did not issue the challenge to the President which he had indicated in Court that he would issue, and consequently historians have been misled into believing that Jefferson defied the order of the Chief Justice."

The Burr trial did produce, in the oral remarks of the Chief Justice, a sweeping assertion of judicial power and in the statements of Thomas Jefferson, equally sweeping allegations of executive immunity to judicial process, but it was a debate, not a legal collision.

#### THE JACKSON EPISODE

The Attorney General's memorandum next cites a case in the Jackson administration. The example cited—that of an investigation of a Jackson appointee accused of land frauds—undoubtedly is to the point but it probably is not one that any modern President, in the same circumstances, would follow.

There is a curious twist in this episode. One of Jackson's reasons for refusing the information was that the Senate was investigating the matter in secret sessions under circumstances that would deprive the accused of one of his basic rights—"that of public investigation in the presence of his accusers and of the witnesses against him." Executive secrecy was thus invoked in response to Senate secrecy.

President Jackson's disputes over yielding information to Congress were frequent.

In the light of his refusal to yield land fraud papers noted in the Department of Justice summary, it is remarkable that in his celebrated "protest" of a Senate censure resolution in 1834, he said:

"Cases may occur in the course of its legislative or executive proceedings in which it may be indispensable to the proper exercise of its powers, that it should inquire and decide upon the conduct of the President or other public officers, and in every case its constitutional right to do so is cheerfully conceded."

Jackson refused to comply with Senate and House requests on many occasions.

On December 12, 1833, he refused a Senate request for copies of a statement he was alleged to have made to the heads of his executive departments.

On January 6, 1835, he rejected a House request for communications over the northeastern boundary dispute, settlement of which was then in progress.

Against these examples of President Jackson's flat refusal to convey requested papers, there also must be set his repeated, if sometimes reluctant, acquiescence to the demands of Congress. These affirmative responses were very numerous.

On January 7, 1834, he sent the House a copy of a contract for the construction of a bridge across the Potomac, together with all the information the Secretary of the Treasury "is now able to communicate" on the subject.

On February 12, 1834, complying with a House resolution, he transmitted to the House a list of presents received from foreign governments by officers of the United States, on deposit in the State Department.

On March 8, 1834, responding to a House resolution, he sent up instructions and other papers in connection with trade with Cuba and Puerto Rico.

On March 20, 1834, in response to a Senate resolution, he sent up copy of instruc-

tions given the U.S. Minister to Great Britain and of correspondence between the Minister and the British Government on the condemnation of the ship *Olive Branch*.

On June 13, 1834, Jackson angrily replied to a Senate resolution asking for the first "official communication which was made to Andrew Stevenson of the intention of the President to nominate him as minister plenipotentiary to England and Ireland." He said compliance might be deemed an admission of Senate right to confidential correspondence of this description and that he did not acknowledge such a right. "But," he added, "to avoid misrepresentation I herewith transmit a copy of the paper in question, which was the only communication made to Mr. Stevenson on the subject."

On January 13, 1835, Jackson sent to the House "copies of every circular or letter of instruction emanating from the Treasury or War Department since the 30th day of June last, and addressed to either the receiving or disbursing officers stationed in States wherein land offices are established." This was in response to a House resolution.

On the same day, Jackson angrily reproached the Senate for a resolution demanding a copy of any report made to him by any director of the Bank of the United States with reference to certain notes and bills of exchange. He thought the request improper. However, he said, "for the purpose of preventing misapprehension and injustice, I think it proper to communicate herewith a copy of the only report made to me by any director or directors."

There were further affirmative responses to congressional requests for various information on these 1836 dates: February 9, 10, 15, 18, and 29, April 8, May 14, 27, and 27, and July 1.

It is thus not accurate to say of even the Jackson administration that the President always prevailed.

Mr. President, I summarize my remarks on the Jackson administration by saying that Jackson followed the same policy as that followed by Washington and Jefferson. He recognized that the Constitution gave to the President of the United States the right of executive privilege, but he also recognized that he had no right to exercise it unless he was satisfied that, in fact, the national security and public interest and welfare dictated that he exercise it.

Jackson, like other Presidents, went a long way in explaining the reasons for any refusal to supply Congress with information which it requested. But what are we confronted with under the Eisenhower administration? We are confronted with a blanket refusal to supply us with any information for which we ask, if any underling within the executive branch, presided over by the President, decides that he does not want to make it available to Congress.

I wonder if the President really is at a loss to understand why these criticisms of him are being made, and have been made for the past several years, in Congress? Does he not know that they stem from his taking a blanket refusal approach to the matter of Executive privilege in contrast with the attitude, fair and reasonable, taken by so many of his predecessors in office.

It is President Eisenhower who has drawn this issue. Congress ought to meet it head on. That is why I think that Congress, in the next session, should pass legislation along the lines of the suggestion of the Senator from Okla-

a statement to us personally, fails to give homa [Mr. MONRONEY], which will make very clear to the President that Congress is willing to let the matter go to the courts for a constitutional determination in those instances in which we ask for information and the President, through a reason for not supplying the material to us.

It is important that this great historic debate which has been running on over the decades finally be brought for judicial determination, now that President Eisenhower has gone so much further than any other President has gone in respect to this matter. He has done this by handing down what amounts, to all intents and purposes, to an Executive order which seeks to delegate the personal prerogative which the Constitution gives to the President of the United States in the name of what we have come to call, under the separation of powers doctrine, the Executive privilege prerogative.

Now I turn to the administration of President Tyler. The Wiggins article states:

#### THE TYLER CASE

President Tyler's message to Congress on the Cherokee Indian matter is cited next in the Department of Justice memorandum. And the message should have a place in any collection of comment on Executive prerogative.

The House of Representatives had called upon the President for reports made to the Department of War by Lieutenant Colonel Hitchcock in the investigation of affairs of the Cherokee Indians, together with all information about frauds he was to investigate, and also all the facts in possession of the Executive.

The House was not content with the partial information given it and at its next session renewed its request in more sweeping terms.

The most pertinent paragraph of Tyler's eloquent argument states:

"If by the assertion of this claim of right to call upon the Executive for all the information in its possession relating to any subject of the deliberation of the House, and within the sphere of its legitimate powers, it is intended to assert also that the Executive is bound to comply with such call without the authority to exercise any discretion on its part in reference to the nature of the information required or to the interests of the country or of individuals to be affected by such compliance, then do I feel bound, in the discharge of the high duty imposed upon me 'to preserve, protect, and defend the Constitution of the United States,' to declare in the most respectful manner my dissent from such a proposition."

The able message of President Tyler is not an assertion of an uncontrolled discretion or unlimited right to withhold. With great care it enumerates some of the particular situations in which matters must be kept confidential: pending law-enforcement investigations, incomplete inquiries before their truth or falsity has been ascertained, all papers merely because they concern matters about which the House is deliberating. He challenges this as the sole test of availability (and who wouldn't). He thinks certain communications and papers are privileged and that the general authority to compel testimony must give way in certain cases to the paramount rights of individuals and the Government."

This is a strong and an able argument for executive prerogative in certain cases and an effective presentation of the claim of discretionary power.



However, the Department of Justice memorandum refers not only to the message but to "President Tyler's refusal to communicate to the House of Representatives the reports relative to the affairs of the Cherokee Indians and to the frauds which were alleged to have been practiced upon them."

As a matter of fact, while making a statement of principle, President Tyler, nevertheless, did give the House what it asked for. In the very message discussed, he said:

"I have thought proper to direct that the report of Lieutenant Colonel Hitchcock concerning the frauds which he was charged to investigate be transmitted to the House of Representatives, and it accordingly accompanies this message."

Tyler said he did this to "avoid even the appearance of a desire to screen any, and also to prevent the exaggerated estimate of the importance of the information which is likely to be made from the mere fact of its being withheld."

He sent along all the facts about the Cherokees except some correspondence "not supposed to be within the intent of the resolution."

He assured the House that "all the papers in the War Office or its bureaus known or supposed to have any relation to the alleged frauds which Lieutenant Colonel Hitchcock was charged to investigate are herewith transmitted."

How does this comport with Mr. Wolkinson's statement that "in the great conflicts which have arisen, the administrations of Washington, Jackson, Tyler, Cleveland, Theodore Roosevelt, and Herbert Hoover, the Executive has always prevailed?"

In most of Mr. Wolkinson's examples, the Congress prevailed, and got precisely what it sought to get. In the case of Jay Treaty, the President prevailed, but not on the broad ground of executive prerogative but on the solid ground that the House lacked constitutional authority to advise and consent on treaties. The Jackson episode, of all those prior to the Buchanan administration, seems to be the only instance in which it might be said that "the executive prevailed" in an assertion of absolute, unqualified discretionary right to withhold.

Some of the other and later examples ought to be explored under circumstances in which time and space permit. Certainly, the examples prior to the Civil War period, in the Department of Justice's own memorandum, in the light of history, do not support either the conclusion of Mr. Wolkinson, who first compiled this information or the broad assertions of the Justice Department. Historical fact simply is overwhelmingly at war with the law as the Attorney Generals prefer to view it.

Pertinent and interesting as later cases may be, the early cases here examined arose during the years when the Government was taking shape and no subsequent examples could shed more light on the nature of this separation of powers.

Mr. President, for the most part I have used material which was prepared in such scholarly fashion by Mr. Wiggins, of the Washington Post. This material shows that the doctrine of executive privilege has not been exercised on a blanket basis, and in keeping with the pattern which President Eisenhower has come to adopt.

It is quite fair and proper that the Senator from Virginia should have taken the position he took in committee, in which he wanted language which went much further than the language he now proposes in his amendment. But in keeping with his good sense of humor, as he said to us earlier this afternoon in the Senate, he simply did not have

the votes in committee; therefore, he brought to the Senate this afternoon language he believed would be helpful to us in solving this problem as a sort of stopgap proposition until the next session of Congress, when we could adopt the type of bill he indicated he would favor, and which the Senator from Oklahoma [Mr. MONROE] suggested should be adopted, with which suggestion I am in complete agreement.

Mr. President, I have a substantial body of material on this matter, which I think is pertinent and ought to be placed in the RECORD as a matter of legislative history on this amendment before it is adopted. I shall not take the time now to read it, because there are so many other subjects I have to discuss before we adjourn, anyway. So I would prefer to insert the rest of the material in the RECORD in keeping with my spirit of complete cooperation with the majority leader to expedite, within the rules, the business of the Senate.

Therefore, I now ask unanimous consent that there be printed at this point in the RECORD other material I have on the subject of Executive privilege, including brief quotations from that great historic, landmark case, *Marbury against Madison*. I should like to have my good friend, the distinguished senior Senator from Georgia [Mr. RUSSELL], know that I have not overlooked *Marbury against Madison*. I have already discussed it earlier in this discourse.

I should like it understood that my request to have material printed in the RECORD entitles me to include what I consider to be very pertinent excerpts from the great decision of *Marbury against Madison*, which was handed down by that great Virginian and Chief Justice of the Supreme Court of the United States, John Marshall, in which he delineated, I think rather clearly, the lines of demarcation between the three independent branches of the Government—judicial, legislative, and executive. I think that some of the remarks of Chief Justice Marshall in the famous case of *Marbury against Madison* are particularly apropos, historically, the issue raised by another great Virginian, the distinguished junior Senator from Virginia [Mr. ROBERTSON], as he has brought to us for consideration this afternoon the old, old, historic, constitutional problem of the separation of powers, as we find them manifested in our discussions on the doctrine of Executive privilege.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, with that unanimous-consent request having been granted, I advise the majority leader that I close my remarks in making the legislative history on this amendment and will subside for the time being.

#### EXHIBIT 1

The U.S. Supreme Court decision of *Marbury v. Madison*, 1 Cranch 137 (1803), is the leading case on the subject of separation of powers under our constitutional system of government. The following are pertinent quotations from the Court's opinion:

"This brings us to the second inquiry; which is: If he has a right, and that right has been violated, do the laws of his country afford him a remedy?"

"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of Government is to afford that protection. In Great Britain, the king himself is sued in the respectful form of a petition, and he never fails to comply with the judgment of his court."

"In the third volume of his Commentaries (p. 23), Blackstone states two cases in which a remedy is afforded by mere operation of law. 'In all other cases,' he says, 'it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit, or action at law, whenever that right is invaded.' And afterward (p. 109, of the same vol.), he says, 'I am next to consider such injuries as are cognizable by the courts of the common law. And herein I shall, for the present, only remark, that all possible injuries whatsoever, that did not fall within the exclusive cognizance of either the ecclesiastical, military or maritime tribunals, are, for that very reason, within the cognizance of the common-law courts of justice; for it is a settled and invariable principle in the laws of England, that every right, when withheld, must have a remedy, and every injury its proper redress.'"

"The Government of the United States has been emphatically termed a Government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right. If this obloquy is to be cast on the jurisprudence of our country, it must arise from the peculiar character of the case."

"It behoves us, then, to inquire whether there be in its composition any ingredient which shall exempt it from legal investigation, or exclude the injured party from legal redress."

"By the Constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience. To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority, and in conformity with his orders. In such cases, their acts are his acts; and whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists, and can exist, no power to control that discretion. The subjects are political: They respect the Nation, not individual rights, and being entrusted to the executive, the decision of the executive is conclusive. The application of this remark will be perceived, by adverting to the act of Congress for establishing the Department of Foreign Affairs. This officer, as his duties were prescribed by that act, is to conform precisely to the will of the President: He is the mere organ by whom that will is communicated. The acts of such an officer, as an officer, can never be examinable by the courts. But when the legislature proceeds to impose on that officer other duties; when he is directed peremptorily to perform certain acts; when the rights of individuals are dependent on the performance of those acts; he is so far the officer of the law; is amenable to the laws for his conduct; and cannot, at his discretion, sport away the vested rights of others."

"The conclusion from this reasoning is, that where the heads of departments are the political or confidential agents of the executive, merely to execute the will of the President, or rather to act in cases in which the executive possesses a constitutional or legal



discretion, nothing can be more perfectly clear, than that their acts are only politically examinable. But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear, that the individual who considers himself injured, has a right to resort to the laws of his country for a remedy.

"The question, whether an act, repugnant to the Constitution, can become the law of the land, is a question deeply interesting to the United States; but, happily, not of an intricacy proportioned to its interest. It seems only necessary to recognize certain principles, supposed to have been long and well established, to decide it. That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it, to be frequently repeated. The principles, therefore, so established, are deemed fundamental and as the authority from which they proceed is supreme, and can seldom act, they are designed to be permanent.

"This original and supreme will organizes the government, and assigns to different departments their respective powers. It may either stop here, or establish certain limits not to be transcended by those departments. The Government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed, are of equal obligation. It is a proposition too plain to be contested, that the Constitution controls any legislative act repugnant to it; or that the legislature may alter the Constitution by an ordinary act.

"Between these alternatives, there is no middle ground. The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it. If the former part of the alternative be true, then a legislative act, contrary to the Constitution, is not law: If the latter part be true, then written constitutions are absurd attempts, on the part of the people, to limit a power, in its own nature, illimitable.

"Certainly, all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently, the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void. This theory is essentially attached to a written constitution, and is, consequently, to be considered, by this court, as one of the fundamental principles of our society. It is not, therefore, to be lost sight of, in the further consideration of this subject.

"If an act of the legislature, repugnant to the constitution, is void, does it, notwithstanding its invalidity, bind the courts, and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as if it was a law? This would be to overthrow, in fact, what was established in theory; and would seem, at first view, an absurdity too gross to be insisted on. It shall, however, receive a more attentive consideration.

"It is, emphatically, the province and duty of the judicial department, to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each. So, if a law be in opposition to the constitution; if both the law and the constitution apply to a particular case, so that the court must either decide that case, conformable to the law, disregarding the constitution; or conformable to the constitution, disregarding the law; the court must determine which of these conflicting rules governs the case: this is of the very essence of judicial duty. If then, the courts are to regard the constitution, and the constitution is superior to any ordinary act of the legislature, the constitution, and not such ordinary act, must govern the case to which they both apply."

Also included in the exhibit is a study by the Justice Department entitled: "Is a Congressional Committee Entitled To Demand and Receive Information and Papers From the President and the Heads of Departments Which They Deem Confidential, in the Public Interest?"

This study appears to be identical to the Herman Wolkinson articles, which appeared in the Federal Bar Journal in 1949, but I submit them under the first title.

IS A CONGRESSIONAL COMMITTEE ENTITLED TO DEMAND AND RECEIVE INFORMATION AND PAPERS FROM THE PRESIDENT AND THE HEADS OF DEPARTMENTS WHICH THEY DEEM CONFIDENTIAL IN THE PUBLIC INTEREST?

#### INTRODUCTORY

For over 150 years—almost from the time that the American form of government was created by the adoption of the Constitution—our Presidents have established, by precedent, that they and members of their Cabinet have an undoubted privilege and discretion to keep confidential, in the public interest, papers and information which require secrecy. American history abounds in countless illustrations of the refusal, on occasion, by the President and heads of departments to furnish papers to Congress, or its committees, for reasons of public policy. The messages of our past Presidents reveal that almost every one of them found it necessary to inform Congress of his constitutional duty to execute the office of President, and, in furtherance of that duty, to withhold information and papers for the public good.

Nor are the instances lacking where the aid of a court was sought to obtain information or papers from a President and the heads of departments. Courts have uniformly held that the President and the heads of departments have an uncontrolled discretion to withhold the information and papers in the public interest, and they will not interfere with the exercise of that discretion. Students of political science and of our constitutional theory of government are not in disagreement as to the fundamental fact that Congress has not the power, as one of the three great branches of the Government, to subject either of the other two branches to its will.

The proposition may be simply stated: We have three divisions of government, the legislative, the executive and the judicial. Each of them has certain functions to perform, prescribed by the Constitution. It is perfectly clear that under the Constitution neither one of those divisions may impose its unrestrained will upon the others.

What is it then which has in the past caused some of the bitter contests between the Houses of Congress and the Executive concerning the availability of certain infor-

mation and papers which they thought they had a right to have, while the President and the heads of the departments thought otherwise? The answer seems to lie in the fact that our form of government permits the Senate or the House of Representatives, or both, to be controlled by one of the major parties, while the executive is controlled by another political party. In the struggle for political power and supremacy, the Houses of Congress have, on occasion, seen fit to make demands on the executive branch which it felt went beyond established principles of constitutional law and comity. We must remember that one of the principal reasons for the practical success of our form of government is that there has existed this fundamental feeling in each of its branches; that unless in a spirit of good sense and comity each of the branches stays within its proper jurisdiction, and does not seek to dominate the others, the essential unity of our government might be disrupted. This is not to say that there are instances lacking where demands for information, deemed unreasonable by the executive, have been made where the majority in the legislative branch and the executive have both been members of one political party. Those cases however are very few. Generally the conflict has arisen where the majority of one or both of the Houses of the Congress have differed politically from that of the President.

It is only in those relatively few instances of our history where a President or the head of a department felt that he could not comply with what appeared to him an unreasonable demand for information and papers, that we have recorded precedents. Such precedents usually take the form of a Presidential message addressed to either the Senate or the House of Representatives, refusing the information sought. In the few instances where demands for information or papers have become the subject of court decisions, we have these to help our study. There are also opinions of the Attorneys General rendered to the various Presidents and the heads of departments which deal with this subject. We shall state, in summary form, what the precedents show.

#### SUMMARY

It may be well to summarize at the outset what our study of Presidential messages shows. In every instance where a President has backed the refusal of a head of a department to divulge confidential information to either of the Houses of Congress, or their committees, the papers and the information requested were not furnished. The public interest was invariably given as the reason for withholding the information. Our study also shows that the head of a department is generally subject to the President's direction, and the President has the last word on the propriety of withholding the papers. Heads of departments are subject to the Constitution, to the laws passed by the Congresses in pursuance of the Constitution, and to the directions of the Presidents of the United States. They are not subject to any other directions. While they have frequently obeyed congressional demands, whether made by the use of subpoena or otherwise, and have furnished papers and information to congressional committees they have done so only in a spirit of comity and good will, and not because there has been an effective legal means to compel them to do so. Under the Constitution, heads of departments cannot be directed by a congressional committee in the exercise of their discretion, concerning the propriety of furnishing papers.

#### SUMMARY OF COURT DECISIONS

A study of court decisions, opinions of the Attorneys General, and authoritative text writers reveals that the issuance of a subpoena duces tecum, which calls for testimony



and papers by a court to the head of a department or Cabinet member need not result in the giving of testimony or the production of papers, if they are deemed confidential, in the public interest. The President may intervene and direct the Cabinet officer or department head not to appear; the person subpoenaed would then advise the court of the President's order and abstain from appearing altogether. The better practice appears to be, wherever practicable, for the head of the department to appear in court and claim the privilege of keeping in confidence the information requested.

Similarly, where a congressional committee issues a subpoena to a Cabinet member, the proper practice appears to be to make an appearance and to divulge only such information as would not conflict with the President's direction, in the public interest.

The rule may be stated that the President and heads of departments are not bound to produce papers or to disclose information communicated to them, where, in their own judgment, the disclosure would, on public consideration, be inexpedient. The reason for the rule was succinctly stated by Judge Marshall in *Marbury v. Madison*<sup>1</sup> and has been reaffirmed in *Cunningham v. Neagle*<sup>2</sup> and *Meyer v. United States*<sup>3</sup>. It is as follows:

"By the Constitution, the President is invested with certain political powers. He may use his own discretion in executing those powers. He is accountable only to his country in his political character, and to his own conscience. To aid the President in performing his duties, he is authorized by law to appoint heads of the executive departments. They act by his authority; their acts are his acts. Questions which the Constitution and laws leave to the Executive, or which are in their nature political, are not for the courts to decide, and there is no power in the courts to control the President's discretion or decision, with respect to such questions. Because of the intimate political relation between the President and the heads of departments, the same rule applies to them."

#### SUMMARY OF THE CONSTITUTION AND THE STATUTES

Finally, we may thus summarize our study of the Constitution, the statutes creating the executive departments, and those which require witnesses to appear before congressional committees. The Constitution lodges the executive power in the President, who shall take care that the laws be faithfully executed. The President's oath of office requires that he "faithfully execute the Office of President of the United States." All executive functions of our Government belong to the President. The executive departments were created by law, in order to enable the President to better discharge the executive burdens placed upon him by the Constitution. Since the determination of all executive questions belongs in theory and by constitutional right to the President, heads of departments are executors of the will of the President, and subordinate to it.

While Congress passed the laws creating the executive departments, that does not mean that the heads of those departments are subject to the orders of the House of Representatives or of the Senate. Congress can, by a law, duly passed and signed by the President, add to or change the duties of a particular department, or even abolish it altogether. It also has the power to deny appropriations to a department. But that is all it may do. It may not use its legislative power to compel a head of a department to do an act which the President must dis-

prove in the proper discharge of his executive power, and in the public interest. And any law passed by Congress, designed to compel the production of papers by heads of departments would necessarily have to comply with the constitutional requirement that the President is as supreme in the duties assigned to him by the Constitution, as Congress is supreme in the legislative functions assigned to it. In other words, Congress cannot, under the Constitution, compel heads of departments by law to give up papers and information; regardless of the public interest involved; and the President is the judge of that interest. Such a law would remedy the President powerless in a field of action entrusted to his complete care by the Constitution.

Up to now, Congress has not passed such a law. Some of the statutes recognize the executive discretion to withhold such papers and information as the public good requires. The remaining statutes affect only private individuals.

Heads of departments are entirely unaffected by existing laws which prescribe penalties for failure to testify and produce papers before the House of Representatives or the Senate, or their committees.

#### I. ILLUSTRATIONS OF REFUSALS BY OUR PRESIDENTS, AND THEIR HEADS OF DEPARTMENTS, TO FURNISH INFORMATION AND PAPERS

William Howard Taft, in his book entitled "Our Chief Magistrate and His Powers" states:

"The President is required by the Constitution from time to time to give to Congress information on the state of the Union, and to recommend for its consideration such measures as he shall judge necessary and expedient, but this does not enable Congress or either House of Congress to elicit from him confidential information which he has acquired for the purpose of enabling him to discharge his constitutional duties, if he does not deem the disclosure of such information prudent or in the public interest" (p. 129).

#### *President Washington's administration*

In March 1792, the House of Representatives passed the following resolution:

"Resolved, That a committee be appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair; and that the said committee be empowered to call for such persons, papers, and records, as may be necessary to assist their inquiries" (3 Annals of Congress, p. 493).

This was the first time that a committee of Congress was appointed to look into a matter which involved the executive branch of the Government. The expedition of General St. Clair was under the direction of the Secretary of War. The expenditures connected therewith under the Secretary of the Treasury. The House based its right to investigate on its control of the expenditure of public moneys. It appears that the Secretaries of War and the Treasury appeared before the committee. However when the committee was bold enough to ask the President for the papers pertaining to the General St. Clair campaign, President Washington called a meeting of his Cabinet (Binkley, President and Congress pp. 40-41).

Thomas Jefferson, as Secretary of State, reports what took place at that meeting. Besides Jefferson, Alexander Hamilton, Henry Knox, Secretary of War, and Edmond Randolph, the Attorney General, were present. The committee had first written to Knox for the original letters, instructions, etc., to General St. Clair. President Washington stated that he had called his Cabinet members together, because it was the first example of a demand on the Executive for papers, and he wished that so far it should become a precedent, it should be rightly conducted.

The President readily admitted that he did not doubt the propriety of what the House was doing, but he could conceive that there might be papers of so secret a nature, that they ought not to be given up. Washington and his Cabinet came to the unanimous conclusion:

"First, that the House was an inquest, and therefore might institute inquiries. Second, that it might call for papers generally. Third, that the Executive ought to communicate such papers as the public good will would permit, and ought to refuse those, the disclosure of which would injure the public. Consequently were to exercise a discretion. Fourth, that neither the committee nor House had a right to call on the Head of a Department, who and whose papers were under the President alone; but that the committee should instruct their chairman to move the House to address the President. \* \* \* Note: Hamilton agreed with us in all these points, except as to the power of the House to call on Heads of Departments" (writings of Thomas Jefferson, 1905, vol. 1, pp. 303-304).

The precedent thus set by our first President and his Cabinet was followed in 1796, when President Washington was presented with a resolution of the House of Representatives which requested him to lay before the House a copy of the instructions to the Minister of the United States who negotiated the treaty with the King of Great Britain, together with the correspondence and documents relative to that treaty. Apparently it was necessary to implement the treaty with an appropriation which the House was called upon to vote. The House insisted on its right to the papers requested, as a condition to appropriating the required funds. (President and Congress, Wilfred E. Binkley (1947), p. 44).

President Washington's classic reply was, in part, as follows:

"I trust that no part of my conduct has ever indicated a disposition to withhold any information which the Constitution has enjoined upon the President as a duty to give, or which could be required of him by either House of Congress as a right; and with truth I affirm that it has been, as it will continue to be while I have the honor to preside in the Government, my constant endeavor to harmonize with the other branches thereof so far as the trust delegated to me by the people of the United States and my sense of the obligation it imposes to 'preserve, protect, and defend the Constitution' will permit" (Richardson's "Messages and Papers of the Presidents," vol. 1, p. 194).

Washington then went on to discuss the secrecy required in negotiations with foreign governments, and cited that as a reason for vesting the power of making treaties in the President, with the advice and consent of the Senate. He felt that to admit the House of Representatives into the treaty-making power, by reason of its constitutional duty to appropriate moneys to carry out a treaty, would be to establish a dangerous precedent. He closed his message to the House as follows:

"As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; \* \* \* and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbids a compliance with your request" (Richardson's Messages and Papers of the Presidents, vol. 1, p. 196).

A fact which writers on this subject generally omit to point out is that in his farewell address, Washington felt called upon to caution against the dangers resulting from the encroachment of one department

<sup>1</sup> Cranch, 137, 143-144.

<sup>2</sup> 135 U.S. 1, 63.

<sup>3</sup> 272 U.S. 132-135.



of the Government upon the others. He wrote:

"It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real deposition. \* \* \* The necessity for reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them" (Richardson's Messages and Papers of the Presidents, vol. 1, p. 219).

#### *Thomas Jefferson's administration*

In January 1807, Representative Randolph introduced a resolution, as follows:

"Resolved, That the President of the United States be, and he hereby is, requested to lay before this House any information in possession of the Executive, except such as he may deem the public welfare to require not to be disclosed, touching any illegal combination of private individuals against the peace and safety of the Union, or any military expedition planned by such individuals against the territories of any power in amity with the United States; together with the measures which the Executive has pursued and proposes to take for suppressing or defeating the same" (16 Annals of Congress (1806-7), p. 336).

The resolution was overwhelmingly passed. The Burr conspiracy was then stirring the country. Jefferson had made it the object of a special message to Congress wherein he referred to a military expedition headed by Burr. Jefferson's reply to the resolution was by a message to the Senate and House of Representatives. Jefferson brought the Congress up to date on the news which he had been receiving concerning illegal combination of private individuals against the peace and safety of the Union. He pointed out that he had recently received a mass of data, most of which had been obtained without the sanction of an oath so as to constitute formal and legal evidence. "It is chiefly in the form of letters, often containing such a mixture of rumors, conjectures, and suspicions as renders it difficult to sift out the real facts and unadvisable to hazard more than general outlines, strengthened by concurrent information or the particular credibility of the relator. In this state of the evidence, delivered sometimes, too, under the restriction of private confidence, neither safety nor justice will permit the exposing names, except that of the principal actor, whose guilt is placed beyond question" (Richardson's Messages and Papers of the Presidents, vol. 1, p. 412, dated Jan. 22, 1807).

Since Jefferson had taken the lead in bringing the Burr conspiracy to the attention of the country, he necessarily felt called upon from time to time, to bring Congress and the country up to date on various phases of the conspiracy and the measures which the Government took to combat it. However he did not consider it safe, for the public good, nor just to the persons who had given information to the Government in confidence, to reveal their names and the evidence which they had furnished concerning the conspiracy. It is believed that this is the first authoritative instance of a President of the United States refusing to divulge confidential information, and the results of investigations conducted by the Government, in a criminal cause of large dimensions.

#### *Andrew Jackson's administration*

On December 12, 1833, President Jackson vigorously declined to furnish to the Senate of the United States a copy of a paper which had been published, and which was said to have been read by him to the heads of the executive departments.<sup>4</sup>

On February 10, 1835, President Jackson sent a message to the Senate wherein he declined to comply with the Senate's resolution requesting him to communicate copies of charges which had been made to the President against the official conduct of Gideon Fitz, late Surveyor-General, which caused his removal from office. The resolution stated that the information requested was necessary both in the action which it proposed to take on the nomination of a successor to Fitz, and in connection with the investigation which was then in progress by the Senate respecting the frauds in the sales of public lands.

The President declined to furnish the information. He stated that in his judgment the information related to subjects exclusively belonging to the executive department. The request therefore encroached on the constitutional powers of the Executive.

The President's message referred to many previous similar requests, which he deemed unconstitutional demands by the Senate:

"Their continued repetition imposes on me, as the representative and trustee of the American people, the painful but imperative duty of resisting to the utmost any further encroachment on the rights of the Executive" (ibid., p. 133).

The President next took up the fact that the Senate resolution had been passed in executive session, from which he was bound to presume that if the information requested by the resolution were communicated, it would be applied in secret session to the investigation of frauds in the sales of public lands. The President said that, if he were to furnish the information, the citizen whose conduct the Senate sought to impeach would lose one of his basic rights, namely, that of a public investigation in the presence of his accusers and of the witnesses against him. In addition, compliance with the resolution would subject the motives of the President, in the case of Mr. Fitz, to the review of the Senate when not sitting as judges on an impeachment; and even if such a consequence did not follow in the present case, the President feared that compliance by the Executive might thereafter be quoted as a precedent for similar and repeated applications.

"Such a result, if acquiesced in, would ultimately subject the independent constitutional action of the Executive in a matter of great national concernment to the domination and control of the Senate; \* \* \*

"I therefore decline a compliance with so much of the resolution of the Senate as requests 'copies of the charges, if any,' in relation to Mr. Fitz, and in doing so must be distinctly understood as neither affirming nor denying that any such charges were made; \* \* \*" (ibid., p. 134).

Thus we see that President Jackson refused to allow any insinuations or accusations to be made by the Senate, in secret session, or its committee, against a removed executive official. The fact that the Senate coupled the request with a proposed investigation by it of frauds in the sales of public lands did not alter the President's view that furnishing the papers would violate an individual's basic rights and interfere with the executive function.

A resolution of the House was adopted on January 17, 1837, to investigate the condition of the executive departments concerning their integrity and efficiency. A committee

<sup>4</sup> Richardson's Messages and Papers of the Presidents, vol. 3, p. 36.

of the House requested the President and heads of departments to advise it concerning all appointments which were made since 1829 without the advice and consent of the Senate and to report all those who had received salaries without being in office. President Jackson replied:

"I shall on the one hand cause every possible facility consistent with law and justice to be given to the investigation of specific charges; and on the other shall repudiate all attempts to invade the just rights of the executive departments and of the individuals composing the same."

The President added that department heads might answer requests made upon them as they pleased provided they did not injure the public service by consuming their own time and that of their subordinates, but for himself he added:

"I shall repel all such attempts as an invasion of the principles of justice, as well as of the Constitution, and I shall esteem it my sacred duty to the people of the United States to resist them as I would the establishment of a Spanish Inquisition" (Presidential Declaration of Independence, Charles Warren, 10 Boston University Law Rev. pp. 11, 12, Cong., Deb., vol. 13, pt. 2 (1837), App. p. 202).

#### *John Tyler's administration*

In the administration of John Tyler a resolution was adopted by the House of Representatives on March 16, 1842, to the effect that the President of the United States and the heads of the several departments be requested to communicate to the House of Representatives the names of such Members of the 26th and 27th Congresses who had applied for office, and for what offices, whether in person or by writing or through friends. President Tyler declined to furnish the information or to permit the heads of departments to furnish it. In a message to the House of Representatives dated March 23, 1842, President Tyler stated, in part:

"\* \* \* Applications for office are in their very nature confidential, and if the reasons assigned for such applications or the names of the applicants were communicated, not only would such implied confidence be wantonly violated, but, in addition, it is quite obvious that a mass of vague, incoherent, and personal matter would be made public at a vast consumption of time, money, and trouble without accomplishing, or tending in any manner to accomplish, as it appears to me, any useful object connected with a sound and constitutional administration of the Government in any of its branches.

"\* \* \* In my judgment a compliance with the resolution which has been transmitted to me would be a surrender of duties and powers which the Constitution has conferred exclusively on the Executive, and therefore such compliance cannot be made by me nor by the heads of departments by my direction. The appointing power, so far as it is bestowed on the President by the Constitution, is conferred without reserve or qualification. The reason for the appointment and the responsibility of the appointment rest with him alone. I cannot perceive anywhere in the Constitution of the United States any right conferred on the House of Representatives to hear the reasons which an applicant may urge for an appointment to office under the executive department, or any duty resting upon the House of Representatives by which it may become responsible for any such appointment" (Richardson, Messages and Papers of the Presidents, vol. 4, pp. 105-106).

The foregoing illustrates the principle that all papers and documents relating to applications for office are of confidential nature, and an appeal to a President to make such records public should be refused. Civil Service Commission records, containing con-



fidential information furnished by applicants for Government employment, would come within the reasoning of President Tyler's refusal to make such records public.

One of the best reasoned precedents of a President's refusal to permit the head of a department to disclose confidential information to the House of Representatives is President Tyler's refusal to communicate to the House of Representatives the reports relative to the affairs of the Cherokee Indians and to the frauds which were alleged to have been practiced upon them. A resolution of the House of Representatives had called upon the Secretary of War to communicate to the House the reports made to the Department of War by Lieutenant Colonel Hitchcock relative to the affairs of the Cherokee Indians together with all information communicated by him concerning the frauds he was charged to investigate; also all facts in the possession of the Executive relating to the subject. The Secretary of War consulted with the President and under the latter's directions informed the House that negotiations were then pending with the Indians for settlement of their claims; in the opinion of the President and the Department, therefore, publication of the report at that time would be inconsistent with the public interest. The Secretary of War further stated in his answer to the resolution that the report sought by the House, dealing with alleged frauds which Lieutenant Colonel Hitchcock was charged to investigate, contained information which was obtained by Colonel Hitchcock by ex parte inquiries of persons whose statements were without the sanction of an oath, and which the persons implicated had had no opportunity to contradict or explain. The Secretary of War expressed the opinion that to promulgate those statements at that time would be grossly unjust to those persons, and would defeat the object of the inquiry. He also remarked that the Department had not been given at that time sufficient opportunity to pursue the investigation, to call the parties affected for explanations, or to determine on the measures proper to be taken.

The answer of the Secretary of War was not satisfactory to the Committee on Indian Affairs of the House, which claimed the right to demand from the Executive and heads of departments such information as may be in their possession relating to subjects of the deliberations of the House.

President Tyler in a message dated January 31, 1843, which is frequently cited by writers on the subject under discussion, stated that the negotiations with the Cherokee Indians, to which the Secretary of War referred, had terminated since the Secretary of War had written as aforesaid and he was, therefore, sending to the House all the information communicated by Lieutenant Colonel Hitchcock respecting the Cherokees—their conditions as a nation and their relations to other tribes. However, the President felt that it would be inconsistent with the public interest to transmit to the House Colonel Hitchcock's suggestion and projects that dealt with the anticipated propositions of the delegates of the Cherokee Nation; Colonel Hitchcock's views of the personal characters of the delegates were likewise not sent to the House because President Tyler felt that their publication would be unfair and unjust to Colonel Hitchcock.

President Tyler vigorously asserted that the House of Representatives could not exercise a right to call upon the Executive for information, even though it related to a subject of the deliberations of the House if, by so doing, it attempted to interfere with the discretion of the Executive. He stated:

"\* \* \* The injunction of the Constitution that the President 'shall take care that the laws be faithfully executed,' necessarily con-

fers an authority, commensurate with the obligation imposed, to inquire into the manner in which all public agents perform the duties assigned to them by law. To be effective, these inquiries must often be confidential. They may result in the collection of truth or a falsehood; or they may be incomplete, and may require further prosecution. To maintain that the President can exercise no discretion after the time in which the matters thus collected shall be promulgated, or in respect to the character of the information obtained, would deprive him at once of the means of performing one of the most salutary duties of his office. An inquiry might be arrested at its first state, and the officers whose conduct demanded investigation may be enabled to elude or defeat it. To require from the Executive the transfer of this discretion to a coordinate branch of the Government is equivalent to the denial of its possession by him and would render him dependent upon that branch in the performance of a duty purely executive" (*Hinds' Precedents of the House of Representatives*, v. 3 (1907), p. 181).

President Tyler pointed out that although papers and documents related to the sphere of the legitimate powers of the House, nevertheless there were occasions when such papers and documents had to be kept secret by the executive departments.

"\* \* \* It cannot be that the only test is whether the information relates to a legitimate subject of deliberation. The executive departments and the citizens of this country have their rights and duties, as well as the House of Representatives; and the maxim that the rights of one person or body are to be so exercised as not to impair those of others is applicable in its fullest extent to this the question. Impertinence or malignity may seek to make the executive department the means of incalculable and irremediable injury to innocent parties by throwing into them libels most foul and atrocious. Shall there be no discretionary authority permitted to refuse to become the instruments of such malevolence?

"And although information comes through a proper channel to an executive officer, it may often be of a character to forbid its being made public. The officer charged with a confidential inquiry, and who reports its result under the pledge of confidence which his appointment implies, ought not to be exposed individually to the resentment of those whose conduct may be impugned by the information he collects. The knowledge that such is to be the consequence will inevitably prevent the performance of duties of that character, and thus the Government will be deprived of an important means of investigating the conduct of its agents" (*ibid.*, p. 181-182).

President Tyler then stated the principle of law justifying a failure to produce papers, whether to a court or to a legislature, which the President or the head of a department deemed privileged.

"\* \* \* In the courts of that country from which we derive our great principle of individual liberty and the rules of evidence, it is well settled, and the doctrine has been fully recognized in this country, that a minister of the crown or the head of a department cannot be compelled to produce any papers, or to disclose any transactions relating to the executive functions of the government which he declares are confidential, or such as the public interest requires should not be divulged; and the persons who have been the channels of communication to officers of the state are in like manner protected from the disclosure of their names. Other instances of privileged communications might be enumerated, if it were deemed necessary. These principles are as applicable to evidence sought by a legislature as to that required by a court" (*ibid.*, p. 182).

President Tyler's message was referred to the Committee on Indian Affairs. It responded with great vigor in favor of the unrestricted production of papers and documents to the Congress. However, it recommended no action by the House in regard to the President's refusal to show all the papers which the House had requested.

The refusal by the Secretary of War, and later by President Tyler, to make public the results of investigation and inquiries conducted by the Government into the manner in which public agents perform their duties is a reiteration of the principle first established by President Thomas Jefferson, when he had refused to divulge to the House of Representatives the result of investigations conducted by the Government in a criminal conspiracy. President Tyler cited the confidential nature of the inquiry, the fact that both truth and falsehood was revealed thereby, and that an inquiry may be incomplete and require further prosecution.

Worthy of significance, also, is the fact that President Tyler refused to communicate to the House of Representatives the suggestions and projects of Lieutenant Colonel Hitchcock concerning the anticipated propositions of the delegates of the Cherokee Nation. The views of Colonel Hitchcock concerning the personal characters of the delegates of the Cherokee Nation were likewise not communicated by President Tyler to the House. The reasons given by the President for the failure to send the papers and documents referred to were that suggestions, anticipated projects, views dealing with the personal character of persons, would not be of aid to Congress in legislation, and their publication would be unfair and unjust to a Federal official and inconsistent with the public interest.

#### *James K. Polk's administration*

In 1846, a resolution of the House of Representatives requested President Polk to furnish the House an account of all payments made on the President's certificates, with copies of all memorandums regarding evidence of such payments, through the agency of the State Department, for the contingent expenses of foreign intercourse from March 4, 1841, until the retirement of Daniel Webster from the Department of State. In 1841, John Tyler was President. Daniel Webster was his Secretary of State. The request of President Polk, therefore, was for the details of certain payments made by the State Department during the preceding administration.

Polk's message to the House pointed out that contingent expenses covering intercourse between the United States and foreign nations were covered by law which provided that against all sums drawn from the Treasury, the President was authorized to settle annually with accounting officials; the President had the right to make public, or not, the character of the expenditure by the type of voucher which he chose to file. President Polk stated that where a past President had placed the seal of confidence on an expenditure, and the whole matter was terminated before he entered office;

"An important question arises, whether a subsequent President, either voluntarily or at the request of one branch of Congress, can without a violation of the spirit of the law revise the acts of his predecessor and expose to public view that which he had determined should not be 'made public.' If not a matter of strict duty, it would certainly be a safe general rule that this should not be done. Indeed, it may well happen, and probably would happen, that the President for the time being would not be in possession of the information upon which his predecessor acted, and could not, therefore, have the means of judging whether he had exercised his discretion wisely or not" (Richardson "Messages and Papers of the Presidents," vol. IV, p. 433).



Poik concluded that the President making an expenditure, deemed by him confidential, may, if he chooses, keep all the information and evidence upon which he acts in his own possession. If, for the information of his successors, he leaves the evidence on which he acts on the confidential files of one of the executive departments, they do not in any proper sense become thereby public records.

Finally, Poik stated that if the President was obliged to answer the present call "he must answer similar calls for every such expenditure of a confidential character, made under every administration, in war and in peace, from the organization of the Government to the present period."

Since expenditures of this confidential character had never before been made public, Poik feared the consequences of establishing a precedent which would render such disclosures thereafter inevitable (*ibid.*, pp. 433-434).

The foregoing illustrates the principle that what a past President has done dies with him.<sup>5</sup> Whether or not he leaves behind a record of something which by law he was permitted to keep confidential, a subsequent President will not break that confidence. In the second place, despite a keen awareness of a strong public feeling which existed throughout the country against secrecy of any kind in the administration of the Government, especially in matters of public expenditures, President Poik, nevertheless, felt obliged to observe a secrecy, when he visualized the consequences of establishing a precedent for similar disclosures. In the third place, President Poik pointed to the law which had enabled his predecessors in office, in the interests of the public safety, to keep expenditures of a certain kind secret in nature. If Congress wished to repeal the law it could do so; while the law existed a sense of public policy and duty obliged him to observe its provisions and the uniform practices of his predecessors under it. Finally, an executed transaction furnishes no greater justification for revealing information concerning it, than one which is executory in nature; the determining factor appears to be: Was the information of a character which the executive department had the right under the Constitution and the laws to keep secret? If the answer is, "Yes," a President in office is justified in keeping the information from a congressional committee.

#### *The administration of James Buchanan*

On March 28, 1860, President Buchanan addressed a message of protest to the House of Representatives against a resolution of the House which provided for a committee of five to investigate whether the President of the United States or any other officer of the Government had, by money, patronage, or other improper means sought to influence the action of Congress for or against the passage of any law relating to the rights of and State or territory. The resolution further sought an investigation into the attempts of any officer or officers of the Government to prevent or defeat the execution of any laws.

<sup>5</sup> It appears that the President has authority over matters in the executive branch during his administration. When he leaves office that is an end to the things he did. His successor cannot be called upon to explain his acts. There is no continuity. "It was said by Mr. Wirt to be a rule of action prescribed to itself by each administration to consider the acts of its predecessors conclusive so far as the Executive is concerned; 'otherwise decisions might be opened back to the Presidency of Washington, and the acts of the Executive kept perpetually unsettled and afloat'" ("The American Executive," Finley and Sanderson, p. 193).

President Buchanan said:

"I \* \* \* solemnly protest against these proceedings of the House of Representatives, because they are in violation of the rights of the coordinate executive branch of the Government and subversive of its constitutional independence; because they are calculated to foster a band of interested parasites and informers, ever ready, for their own advantage, to swear before ex parte committees to pretended private conversations between the President and themselves, incapable from their nature of being disproved, thus furnishing material for harassing him, degrading him in the eyes of the country, and eventually, should he be a weak or timid man, rendering him subservient to improper influences in order to avoid such persecutions and annoyances; because they tend to destroy that harmonious action for the common good which ought to be maintained, and which I sincerely desire to cherish, between coordinate branches of the Government; and, finally, because, if unresisted, they would establish a precedent dangerous and embarrassing to all my successors, to whatever political party they might be attached" (Richardson Messages and Papers of the President, vol. 5, pp. 618-619).

#### *Ulysses S. Grant's administration*

In the last days of Grant's administration, in April 1876, when the House was Democratic, the House of Representatives, by resolution, requested the President to inform the House whether any executive offices, acts, or duties, and, if any, what, have been performed at a distance from the seat of government established by law. The inquiry aroused General Grant, and his declination to furnish the information is quite spirited. He stated that he failed to find in the Constitution the authority given to the House of Representatives to require of the executive, an independent branch of the Government, an account of his discharge of his purely executive offices, acts and duties. The President went on to say that as of right, the House of Representatives may demand from the Executive information necessary for the proper discharge of its powers of legislation or of impeachment. The inquiry in the resolution was apparently aimed to find out where executive acts had been performed within the last 7 years. That had nothing to do with legislation. If, however, the information sought of the President was in aid of the power of impeachment,

"It is asked in derogation of an inherent natural right, recognized in this country by a constitutional guarantee which protects every citizen, the President as well as the humblest in the land, from being made a witness against himself."

The President concluded his message by asserting that the performance of executive acts by the President exists, and is devolved upon him, wherever he may be within the United States, by the Constitution. The President's civil powers are neither limited nor capable of limitation as to the place where they shall be exercised;

"No act of Congress can limit, suspend, or confine this constitutional duty. I am not aware of the existence of any act of Congress which assumes thus to limit or restrict the exercise of the functions of the Executive. Were there such acts, I should, nevertheless, recognize the superior authority of the Constitution and should exercise the powers required thereby of the President."

It appears that the House request on President Grant was a political move to embarrass him by reason of his having spent some of the hot months at Long Branch.<sup>6</sup>

<sup>6</sup> Richardson, "Messages and Papers of the Presidents," vol. VII, p. 362.

<sup>7</sup> *Ibid.*, p. 363.

<sup>8</sup> "Our Chief Magistrate and His Powers," William Howard Taft, 1916, p. 130.

Grant's reply illustrates that not only may Congress exceed its constitutional powers in calling for information, but that its source of power, just like the President's, is the Constitution, and even an act of Congress calling for information which, in the judgment of the President, limits or restricts the Executive in the exercise of his functions would run counter to the superior authority of the Constitution.

#### *Grover Cleveland's administration*

One of the greatest debates that ever took place in the annals of Congress, occurred during the first administration of Grover Cleveland. The Relations Between the Senate and Executive Departments was the controversy which exclusively took up the sessions of the Senate for almost 2 weeks. More than 25 Senators participated in the debate, amongst whom were some of our most noted names and authorities in the field of constitutional law.<sup>9</sup>

For approximately 25 years prior to Cleveland's election, the legislative branch of the Government was controlled by the Republican Party. The Senate continued Republican after Cleveland's election. The new President removed from office approximately 650 persons in the executive branch. The Senate made demands upon the various heads of departments to furnish the documentary evidence on file with the departments which showed the reasons for the removals. The complaints against the removed officeholders were based on personal transgressions or partisan misconduct which were usually made to the Executive and the heads of departments by means of letters, ordinarily personal and confidential. Whatever papers or documents were thus received on the subject were for convenience of reference, placed together on Department files. The complaints were carefully examined; many were cast aside as frivolous or lacking support, while others resulted in the suspension of the accused officials.<sup>10</sup>

Early in the Senate session of 1886, frequent requests were made in writing by the different committees of the Senate to which nominations were referred, directed to the heads of departments having supervision of the offices to which the nominations related, asking the reasons for the suspensions of officers whose places the nominations were intended to fill, and for all papers on file which showed the reasons for the suspensions. Replies were made to the committees by the heads of departments stating that, by direction of the President, they declined to furnish the papers and the reasons on the ground that the public interest would not be promoted thereby, or on the ground that the papers related to a purely Executive act. The foregoing numerous requests finally led up to an incident which has become famous in American history and in constitutional law. The Senate, by resolution, denounced the Attorney General for failing to furnish information and papers relating to the suspension of George N. Duskin, district attorney in Alabama. President Cleveland had appointed one Burnett in Duskin's place and had sent to the Senate Burnett's nomination. The Judiciary Committee of the Senate asked the Department of Justice for the papers touching the suspension and appointment. The papers relating to the suspension were not sent. The Attorney General was directed by resolution of the Senate to transmit those papers. The Attorney General replied that the President directed him to say that "the public interest would not be prompted by compliance with the resolu-

<sup>9</sup> CONGRESSIONAL RECORD, vol. 17, pp. 2211-2814. March 9 through March 26, 1886.

<sup>10</sup> Grover Cleveland, *Presidential Problems, The Independence of the Executive*, pp. 43 ff.



tion." The great debate to which we have referred them took place in the Senate.<sup>11</sup>

The majority report thus stated the question—whether it was within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United States created by laws enacted by themselves. The report freely admitted that, except in respect of the Department of the Treasury, there was no statute which commanded the head of any department to transmit to either House of Congress on its demand any information whatever concerning the administration of his department. The committee believed, however, that from the nature of the powers entrusted by the Constitution to the two House of Congress, it was a necessary incident that either House had the right to know all that officially existed or took place in any of the departments of the Government.

The minority report referred to the admission in the majority report that no statute conferred the right on either House to direct the Attorney General to send to either House any official papers and documents. The minority wondered whether any grant of power in the Constitution to either House required that they should have the right to know anything, wherever or in whatever form it may exist, about removals or suspensions of Federal officers.

President Cleveland in his famous message to the Senate of March 1, 1886, stated that although public officials of the United States might owe their offices to laws enacted by the two Houses of Congress, that fact did not encumber the offices with a lien in favor of either branch of Congress. While Congress created the executive departments for the benefit of the people, to answer the general purposes of government under the Constitution and the laws, the departments were nevertheless unembarrassed by any obligation to the Senate as the price of their creation.<sup>12</sup> Cleveland disclaimed any intent to withhold official papers but he denied that papers and documents inherently private or confidential, addressed to the President or a head of a department, having reference to an act entirely executive such as the suspension of an official, were changed in their nature and became official when placed for convenience in the custody of a public department. Concerning such papers, the President felt that he could with entire propriety destroy them or take them into his own personal custody.

Referring to the Senate's wholesale demands for papers from the heads of departments, the President stated:

"The requests and demands which by the score have for nearly 3 months been presented to the different departments of the Government, whatever may be their form, have but one complexion. They assume the right of the Senate to sit in judgment upon the exercise of my exclusive discretion and executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office. My oath to support and defend the Constitution, my duty to the people who have chosen me to execute the powers of their great office and not relinquish them, and my duty to the chief magistracy which I must preserve unimpaired in

all its dignity and vigor, compel me to refuse compliance with these demands" (ibid., pp. 63-64).

The President analyzed the contents, and the character of the information which had been addressed to him and to the heads of the departments by private citizens concerning the removed officials. He refused to attach official character to papers and documents solely because they are in the executive departments. "There is no mysterious power of transmutation in departmental custody, nor is there magic in the undefined and sacred solemnity of department files." Papers and documents do not derive official character when they are unrelated to a constitutional, statutory, or other requirement making them necessary to the performance of the official duty of the Executive.<sup>13</sup>

The long and bitter controversy ended with a victory for President Cleveland. The Senate voted to confirm Burnett for the place vacated by Duskins' suspension.

President Cleveland thus established a precedent which for the first time set apart private papers in the executive departments from public documents. While it is hard to define each, we may state, if we follow President Cleveland's reasoning, that those papers in the executive departments which relate purely to executive acts and duties lodged in the President alone by the Constitution, remain private and unofficial despite their filing in the executive departments. On the other hand, papers and documents which relate to matters in which Congress does have a right to participate, in connection with its legislative or other duties prescribed for it by the Constitution, may properly be called for. The real question, of course, is who determines the character of the papers? Cleveland established that the President does. The Executive is not to be subjected to inquiry arising from the motives and purposes of the Senate, as they are day by day developed, and that the President need not wait for the Senate to be satisfied with the President's choice or selection (ibid., p. 378).

For complete text of President Cleveland's message, see Richardson, *Messages and Papers of Presidents*, 8, 375-383.

#### *Theodore Roosevelt's administration*

President Roosevelt established the principle that heads of the executive departments are subject to the Constitution, to the laws passed by Congress in pursuance of the Constitution, and to the directions of the President, but to no other directions whatever. His vigorous assertion produced one of the historic debates on the relationship between Congress and the Executive, and an effort by the Judiciary Committee of the Senate to compel, by law, the production of all papers and documents filed in the public offices, when called for by the Senate or its committees.

On January 4, 1909, the Senate passed a resolution directing the Attorney General to inform the Senate whether legal proceedings had been instituted by him against the United States Steel Corp. on account of the absorption by it of the Tennessee Valley Coal & Iron Co.; if no proceedings had been instituted the Attorney General was required to state the reasons for such nonaction. The resolution also asked the Attorney General to state whether an opinion was rendered by him concerning the legality of the absorption, and to attach a copy of the opinion.

President Roosevelt, in a special message to the Senate dated January 6, 1909, stated that he had been orally advised by the Attorney General that, in his opinion, there was insufficient grounds for legal proceedings against the steel corporation. President Roosevelt also sent to the Senate a copy of a letter which he had sent to the Attorney

General which gave the details of an interview between the President and Judge Gary and Mr. Frick of the United States Steel Corp. He closed his message with the statement:

"I have thus given to the Senate all the information in the possession of the executive department which appears to me to be material or relevant, on the subject of the resolution. I feel bound, however, to add that I have instructed the Attorney General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction. I have done so because I do not conceive it to be within the authority of the Senate to give directions of this character to the head of an executive department, or to demand from him reasons for his action. Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever" (CONGRESSIONAL RECORD, vol. 43, pt. 1, 60th Cong., 2d sess., pp. 527-528).

The Senate, having been unable to get the documents from the Attorney General, thereafter summoned Herbert Knox Smith, head of the Bureau of Corporations, to appear before its Committee on Judiciary. When Mr. Smith appeared, the committee informed him that if he did not at once transmit the papers and documents requested, the Senate would order his imprisonment. Mr. Smith reported this to the President; the latter ordered him in writing to turn over to the President all the papers in the case, "so that I could assist the Senate in the prosecution of its investigation." What happened afterward can best be stated in President Roosevelt's own words:

"I have those papers in my possession, and last night I informed Senator Clark of the Judiciary Committee what I had done. I told him also that the Senate should not have those papers and that Herbert Knox Smith had turned them over to me. The only way the Senate or the committee can get those papers now is through my impeachment, and I so informed Senator Clark last night.

"The Senator informed me that the Senate was only anxious to exercise its prerogatives and that if the papers were of such a nature that they should not be made public the committee was ready to endorse my views. But, as I say, it is just as well to take no chances with a man like Culberson [Senator from Texas], who is behind this thing, so I will retain those papers until the 3d of March at least. Some of these facts which they want, for what purpose I hardly know, were given to the Government under the seal of secrecy and cannot be divulged, and I will see to it that the word of this Government to the individual is kept sacred." (The Letters of Archie Butt, Personal Aide to President Roosevelt by Abbott, pp. 305-306; see also the President—Office and Powers, by Corwin, pp. 281 and 428.)

The effort made by the Senate to get the papers took place in January 1909. Theodore Roosevelt's term of office expired at midnight, March 3, 1909. His challenge to the Senate to impeach him, if it wished to get the papers which he felt should not be made public, was fortified by powerful legal argument. Roosevelt had ordered the head of the Bureau of Corporations to get a decision from the Attorney General that the papers should not be made public. The Attorney General followed the provisions of the act of 1903, when he reasoned that the President was to judge what information should be made public. Faced with the Senate committee's insistence that the Commissioner of Corporations violate both the law and the practices of his predecessors or face imprisonment, the Attorney General suggested that the papers be turned over to the President in order that the latter might there-

<sup>11</sup> For the text of the Senate's resolution expressing condemnation of the Attorney General's refusal, and for the majority and minority reports of the Judiciary Committee, see Senate Miscellaneous Documents, vol. 7, 52d Cong., 2d sess., pp. 232-272. The majority report is at pp. 235-243; the condemnatory resolution at p. 243; the minority report at pp. 243-262.

<sup>12</sup> Ibid., p. 62, Grover Cleveland, *Presidential Problems*.

<sup>13</sup> Richardson, "Messages and Papers of the Presidents," vol. 8, pp. 378-379, 381.



after instruct the Commissioner concerning their disposition (27 Op. Atty. Gen. 150).

Thwarted in its efforts to obtain the records from two heads of departments, there was introduced the following Senate resolution:

"Resolved by the Senate, That any and every public document, paper, or record, or copy thereof, on the files of any department of the Government relating to any subject whatever over which Congress has any grant of power, jurisdiction, or control, under the Constitution, and any information relative thereto within the possession of the officers of the department, is subject to the call or inspection of the Senate for its use in the exercise of its constitutional powers and jurisdiction" (43 CONGRESSIONAL RECORD 839 (1909)).

An exciting and prolonged debate followed.<sup>14</sup> In brief, the arguments of the Senators who favored adoption of the resolution were: Congress was responsible, in the very beginning of our Government, for creating by statute the executive departments. What Congress created, it can at any time modify by statute or entirely abolish. Since Congress created the departments, the heads of those departments owe their principal obligation to it. Either House of Congress may, therefore, demand compliance by heads of departments with calls for information and papers.<sup>15</sup> It is significant that the Senate debate was entirely based upon the great debate which took place in the Senate during Cleveland's first administration, in 1886. Proponents of the resolution urged that since the Senators who were members of the Judiciary Committee, in 1886, were amongst the truly great names in the field of constitutional law in the history of our Government, and since both the majority and minority reports in the controversy with President Cleveland united on a fundamental proposition, they thought it best to base the resolution on that proposition, to wit: That every public document or paper relating to any subject whatever, concerning which Congress had jurisdiction, was subject to a call for inspection by either the House or the Senate.<sup>16</sup>

Opponents of the resolution argued that it was impossible to settle a controversy with the executive branch by means of a resolution. Final settlement lay "in the observance by both Houses of Congress of the constitutional relations that exist between the coordinate departments of the Government."<sup>17</sup> Senator Dolliver asked some pointed questions which struck at the vitals of the controversy. He wished to know to what department of the Government the executive departments belonged. They certainly did not belong to the legislative or the judicial branches. He thought it would be a very interesting matter to determine what jurisdiction the legislative department of the Government had over the executive. He noted that it had been customary, from the foundation of our Government, to ask for information from the executive department, oftentimes, when nobody felt particularly the need of it. It had been a favorite method of introducing subjects for debate in the Senate.

"\* \* \* What I want to know is, where Congress gets authority either out of the Constitution or the laws of the United States to order an executive department about like a servant" (43 CONGRESSIONAL RECORD 3732 (1909)).

Senator Rayner answered the foregoing queries by asserting that each House of Congress had the power to order anyone that had information or documents coming with-

in its jurisdiction and control. He cited the Kilbourn and the Chapman cases<sup>18</sup> in support. Senator Dolliver replied that those cases involved private citizens who had refused to appear and give testimony before committees of the Senate<sup>17</sup> and not officials of the executive departments.

The debate developed two striking points of agreement between proponents and opponents of the resolution: (1) That there was no law which compelled heads of departments to give information and papers to Congress; (2) that if the head of a department refused to obey a subpoena of either of the Houses of Congress, there was no effective punishment which Congress could mete out. Senator Bacon, who had introduced the resolution, was asked the pointed question: Whether Congress could by law compel the production of papers by heads of departments? He replied that the matter of enforcement presented difficulty, and that the same question had been raised in the famous 1886 debate, in Cleveland's administration, and it was conceded "that there was no present or immediate remedy in case the head of a department or the President should refuse." (43 CONGRESSIONAL RECORD 849 (1909)). Of what use, therefore, was the resolution, urged its opponents, when there was no way to enforce it? The President and heads of departments might, in a proper case, decide, to pay no attention to a request for documents; passing the resolution, therefore, would be a futile gesture.<sup>19</sup>

The resolution did not come to a final vote.

Professor Willoughby, in his well-known treatise, discusses the resolution and refers to the debates in Cleveland's and Roosevelt's administrations. He concludes that the constitutionality of the positions taken by Presidents Cleveland and Roosevelt would seem to be clear. Referring to the contests between Congress and the Presidents as to the right of the former to compel the furnishing to it of information, Willoughby states that it has been established that the President may exercise full discretion as to what information he will furnish, and what he will withhold.<sup>20</sup>

#### PRESIDENT COOLIDGE'S ADMINISTRATION

On March 12, 1924, the Senate passed a resolution which provided for the appointment of a committee to investigate the Bureau of Internal Revenue, with authority to hold hearings and subpoena witnesses. In a letter dated April 10, 1924, to President Coolidge, Andrew Mellon, Secretary of the Treasury, pointed out that although the purpose of the committee was to obtain information upon which to recommend to the Senate reforms in law and in administration of the Bureau, it now appeared that the committee intended to vent a personal grievance of Senator Couzens, the author of the resolution in the Senate, against Mr. Mellon. The committee sought out all companies in which Mr. Mellon was interested, and directed its investigation activities solely against those companies.

President Coolidge in a special message to the Senate dated April 11, 1924, stated that it was recognized, both by law and custom, that there was certain confidential information which it would be detrimental to the public service to reveal. He recognized that it was legitimate for the Senate to indulge in political discussion and partisan criticism.

"But the attack which is being made on the Treasury Department goes beyond any of these legitimate requirements. Seemingly the request for a list of the companies in

which the Secretary of the Treasury was alleged to be interested, for the purpose of investigating their tax returns, must have been dictated by some other motive than a desire to secure information for the purpose of legislation. \* \* \*

"The constitutional and legal rights of the Senate ought to be maintained at all times. Also the same must be said of the executive departments. But these rights ought not to be used as a subterfuge to cover unwarranted intrusion. It is the duty of the Executive to resist such intrusion and to bring to the attention of the Senate its serious consequences. That I shall do in this instance" (65 CONGRESSIONAL RECORD, 68th Cong., 1st sess. p. 6087).

In reply, Senators Robinson and Walsh stated on the floor of the Senate that the committee had never attempted to compel the production of confidential records. Everything which the committee received came from voluntary witnesses and by departmental courtesy. (Ibid., p. 6108.)

#### PRESIDENT HOOVER'S ADMINISTRATION

On June 6, 1930, Secretary of State Stimson wrote the chairman of the Senate Foreign Relations Committee in reply to a request for confidential telegrams and letters leading up to the London Conference and the London Treaty. Secretary Stimson's confidential memorandum answered "as far as possible" the questions contained in the request. He refused, however, to divulge the contents of the other papers called for, on the ground that he had been directed by the President to say that their production would not, in his opinion, be comparable with the public interest.<sup>21</sup>

On June 12, 1930, the Foreign Relations Committee adopted a resolution to the effect that the committee regarded all facts which entered into the antecedent or attendant negotiations of any treaty as relevant and pertinent, when the Senate was considering a treaty for the purpose of ratification. The committee went on to assert its right to have full and free access to all records touching the negotiations of the treaty, basing its right on the constitutional prerogative of the Senate in the treaty-making process.

The bitterness of the debate in the Senate culminated in a message from President Hoover to the Senate dated July 11, 1930, wherein he pointed out that there were a great many informal statements and reports which were given to our Government in confidence. The Executive was under a duty, in order to maintain amicable relations with other nations, not to publicize all the negotiations and statements which went into the making of the treaty. The Executive must not be guilty of a breach of trust, nor violate the invariable practice of nations. He concluded as follows:

"\* \* \* No Senator has been refused an opportunity to see the confidential material referred to, provided only he will agree to receive and hold the same in the confidence in which it has been received and held by the Executive. A number of Senators have availed themselves of this opportunity. I believe that no Senator can read these documents without agreeing with me that no other course than to insist upon the maintenance of such confidence is possible. \* \* \*

"In view of this, I believe that to further comply with the above resolution would be incompatible with the public interest" (S. Doc. No. 216, 71st Cong., special sess., p. 2).

It appears that the Senate was not satisfied by President Hoover's reply. It avoided, however, further wrangling. Senatorial face was saved by adopting a resolution of Senator Norris, which stated that in ratifying the treaty the Senate did so with the distinct and explicit understanding that there were no secret files or documents which in any

<sup>18</sup> *Kilbourn v. Thompson*, 103 U.S. 168; *In re Chapman*, 166 U.S. 661.

<sup>19</sup> 43 CONGRESSIONAL RECORD 3730 (1909).

<sup>20</sup> W. W. Willoughby, "The Constitutional Law of the United States," 2d ed. (1929), pp. 1488-1491.

<sup>21</sup> 72 CONGRESSIONAL RECORD, p. 12029 (1930).

<sup>14</sup> Ibid., pp. 839, 1762 (1909).

<sup>15</sup> 43 CONGRESSIONAL RECORD, 849.

<sup>16</sup> 43 CONGRESSIONAL RECORD, 842.

<sup>17</sup> 43 CONGRESSIONAL RECORD 3732 (1909).



way, directly or indirectly, modified or changed the stipulations and agreements in the treaty (73 CONGRESSIONAL RECORD 378 (1930); The Developments of Congressional Investigative Power, McGeary, p. 103, footnote 20).

On May 14, 1932, a resolution was presented in the House of Representatives requesting the Secretary of the Treasury to submit to the House the testimony, documents, and records which had been presented in the investigation conducted by the Secretary of the Treasury concerning the importation of ammonium sulphate. The resolution was vigorously attacked on the ground that the Government in obtaining the information, had not disclosed a purpose of intended publicity, and that no business interest would disclose its costs of production and other confidential data, even for the use of the Federal Government, if that information was to be disclosed to the world.<sup>22</sup> The resolution appears to have been amended so as to contain the phrase: "if not incompatible with the public interest." The Secretary of the Treasury wrote the Speaker of the House on May 26, 1932, that the information had been furnished to the Treasury with the understanding that it would be treated confidentially. He added:

"As consent has not been given to the disclosure of the information contained in the record before the Treasury Department, I am of the opinion that it would be incompatible with the public interest to comply with the request contained in the resolution" (ibid., 11669).

The reply of the Treasury Department was received by the House without comment.

#### *Franklin D. Roosevelt's Administration*

House Resolution 212 called upon President Roosevelt, "if agreeable to him and available," to transmit to the Speaker of the House of Representatives the full transcript of his press conference of May 3, 1935, on the resolutions of the U.S. Chamber of Commerce concerning the President's legislative program. The object of the resolution was to afford the President an opportunity to send up for the record his comments on the resolution adopted by the chamber of commerce at Washington "which constituted the first major offensive by the representatives of big business on his program as a whole."<sup>23</sup>

President Roosevelt wrote the Speaker of the House on May 8, 1935:

"I do not believe, however, that it would be advisable for me to create the precedent of sending to the Congress for documentary use the text of remarks I make at the bi-weekly conferences with the newspaper representatives here in Washington."<sup>24</sup>

The President went on to say that he did not wish to create a precedent of permitting questions and answers which came up at his press conferences to be transcribed and printed in the CONGRESSIONAL RECORD, for in such event he could no longer speak informally, as was his habit, and would bring about a consciousness of restraint as well as the necessity for constant preparation of his remarks.

In 1941, the Chairman of the House Committee on Naval Affairs, by letter, requested the Federal Bureau of Investigation to furnish the committee with reports since June 1939, together with all correspondence of the Bureau or the Department of Justice in connection with investigations made by the Department arising out of strikes, subversive activities in connection with labor disputes, or labor disturbance of any kind in industrial establishments which had naval contracts. Attorney General Jackson replied in an opinion in which he pointed out that

the request for Federal Bureau of Investigation Reports was one of many which had been received from congressional committees. The number of requests alone would have made compliance impracticable, particularly since many of the requests were very comprehensive in character. He felt obliged, therefore, in view of the increasing frequency of those requests, to restate the policy of the Department together with the reasons therefor:

"It is the position of this Department, restated now with the approval of and at the direction of the President, that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to 'take care that the laws be faithfully executed,' and that congressional or public access to them would not be in the public interest."<sup>25</sup>

The Attorney General pointed to the following injurious results which would follow disclosure of the reports: (1) Disclosure would seriously prejudice law enforcement; (2) disclosure at that particular time would have prejudiced the national defense; (3) disclosure would seriously prejudice the future usefulness of the Federal Bureau of Investigation, for keeping faith with confidential informants was an indispensable condition of future efficiency; (4) disclosure might also result in the grossest kind of injustice to innocent individuals, because the reports included leads and suspicions, and sometimes even the statements of malicious or misinformed people.

The opinion of the Attorney General accorded with the conclusions which had been reached by a long line of predecessors, and with the position taken by the President from time to time since Washington's administration. He concluded by stating that exercise of this discretion in the executive branch had been upheld and respected by the judiciary.

On January 20, 1944, a Select Committee To Investigate the Federal Communications Commission met in order to listen to the testimony of J. Edgar Hoover, Director, Federal Bureau of Investigation, who had been served with a subpoena to appear before the committee. The committee had been conducting hearings pursuant to a resolution of the House of Representatives of January 19, 1943, which empowered the committee to conduct an investigation of the Federal Communications Commission. The purpose of the investigation was to determine whether the Commission had been acting in accordance with law and the public interest. The committee was authorized to require the attendance of witnesses and production of books and papers by subpoena. Mr. Hoover was not required by the subpoena with which he had been served to produce any documentary evidence. However, he was shown certain letters, which he refused to admit he received in the performance of his duties as Director of the Bureau. We will quote from the record of the hearing before the committee:

Mr. GAREY (committee counsel). You were asked at the last hearing to produce before this committee the written directive which you had received from the President of the United States respecting the scope of the testimony which you were not to give, putting it in one way, or which you would be permitted to give, before this committee. Are you now ready to produce that written directive?

"Mr. Hoover. I am not" (hearings, vol. 2, House, 78th Cong., Select Committee To Investigate the Federal Communications Commission (1944), p. 2337).

The record shows that the chairman of the committee, in order to lay the founda-

tion for consideration of the matter by the committee in executive session, directed Mr. Hoover, on behalf of the committee, to answer the question and to produce the written directive of the President of the United States directing him not to testify, in certain respects, before the committee.

Mr. Hoover declined to comply with the direction of the chairman. Mr. Hoover told the committee that he had discussed with the executive assistant to the Attorney General the matters which he felt he would be asked. Those matters related to fingerprint records, certain matters relating to activities at Pearl Harbor, and certain operations of the Bureau. Mr. Hoover disclaimed any desire to interfere with the work of the committee. However, the President had directed him not to testify to any matter, or to any correspondence relating to internal security, and the Attorney General had construed questions relating to fingerprint records, and the matters relating to activities at Pearl Harbor, as fully within that category. Mr. Hoover had with him a copy of the President's direction in writing. He would not, however, produce the copy for the benefit of the committee for reasons given in a letter of the Attorney General addressed to the chairman of the committee.<sup>26</sup> The letter read in part as follows:

"I have carefully considered the request of Mr. Garey, counsel for the committee, that I produce before your committee a copy of the document that I received from the President directing Mr. Hoover not to testify before your committee about certain transactions between this Department and the Federal Communications Commission.

"It is my view that as a matter of law and of long-established constitutional practice, communications between the President and the Attorney General are confidential and privileged and not subject to inquiry by a committee of one of the Houses of Congress. In this instance, it seems to me that the privilege should not be waived; to do so would be to establish an unfortunate precedent, inconsistent with the position taken by my predecessors.

"Furthermore, I should like to point out that a number of Mr. Garey's questions related to the methods and results of investigations carried on by the Federal Bureau of Investigation. The Department of Justice has consistently taken the position, long acquiesced in by the Congress, that it is not in the public interest to have these matters publicly disclosed. Even in the absence of instructions from the President, therefore, I should have directed Mr. Hoover to refuse to answer these questions" (ibid., 2338-2339).

The chairman of the committee recognized the privilege, which had been granted to the executive departments from the beginnings of our Government, in these words:

"\* \* \* Under this general question of the right of the witness to refuse to testify, we have a situation where the law seems to be rather indefinite, but for over 140 years a certain exemption has been granted to the executive departments, particularly where it involves military secrets or relations with foreign nations. Yet we, of course, realize that the President, by a blanket order, could not exempt a witness who is an official in an executive department. I take it, from the duty of testifying when properly called before a committee like this one, with its authority" (ibid., 2305).

The chairman recognized the committee's desire, in wartime, not to interfere with the executive departments in maintaining proper secrecy. He therefore suggested that counsel ask Mr. Hoover other questions which he deemed pertinent. Counsel to the committee stated that none of the questions which

<sup>22</sup> 75 CONGRESSIONAL RECORD, 72d Cong., 1st sess., p. 10207 (1932).

<sup>23</sup> 79 CONGRESSIONAL RECORD, 7002 (1935).

<sup>24</sup> Ibid., 7186.

<sup>25</sup> 40 Opinions Attorney General No. 8, Apr. 30, 1941.

<sup>26</sup> Letter dated January 22, 1944, signed Francis Biddle, Attorney General.



he had put to Mr. Hoover dealt with internal security or national security.

Mr. Hoover was asked a number of other questions, to which he replied that they fell within the restrictions of the Presidential directive to him.

Counsel for the committee stated that the House might want a record of the proceedings in the event that it elected to exercise its constitutional powers to compel answers to questions put to Mr. Hoover. Accordingly, the chairman of the committee directed Mr. Hoover to answer each and every question put to him by counsel which Mr. Hoover had refused to answer. Mr. Hoover reiterated his declination to answer the questions for the reasons previously given.

Thus, we see the issue squarely raised between the head of the Bureau of Investigation and the Attorney General, who determined, in their own judgment, whether questions put to Mr. Hoover by the House committee came within the directive of the President. Necessarily, matters of discretion were left, by the President's order to Mr. Hoover, to both the Attorney General and to Mr. Hoover. The record of the hearings appears to be silent as to any action taken by the committee, following Mr. Hoover's refusal to testify or produce the President's directive, pursuant to the subpoena.

The same committee had also issued a subpoena to Harold D. Smith, Director of the Bureau of the Budget, to appear before the committee and to produce the files and correspondence in the Bureau of the Budget. Those files dealt with requests of the War and Navy Departments to the President for an Executive order transferring the functions of the Radio and Intelligence Division of the Federal Communications Commission to the Military Establishments. The subpoena also sought to obtain the recommendations of the Bureau of the Budget.

On July 9, 1943, Mr. Smith appeared before the committee. He had previously, by letter, advised the chairman of the committee that the matters which the committee sought to obtain from him affected the national defense, and that the President had issued instructions that the files and correspondence of the Bureau of the Budget should not be made public because of their confidential nature and because disclosure would not comport with the public interest (committee hearings, vol. 1, p. 34).

The opinion of Attorney General Jackson, previously referred to,<sup>27</sup> was also cited by Mr. Smith as a reason for not complying with the subpoena.

The record of Mr. Smith's testimony also shows that the files and documents which had been subpoenaed were turned over to the White House, at the request of someone there, in Mr. Smith's absence.

Congressman Hart asked Mr. Smith:

"You feel compelled to carry out the orders of the Chief Executive?"

"Mr. SMITH. That is right."<sup>28</sup>

The chairman of the committee then stated that the issue presented was going to be fought out. In order to make the record stand on the responses which had been given to the subpoena, the chairman directed the witnesses to produce the documents called for. Mr. Smith replied that in view of the position which he had taken, on the advice of counsel, he could not make the documents available.<sup>29</sup>

Finally Mr. Smith was asked whether he would produce the documents at an executive session of the committee. The Director of the Bureau of the Budget subsequently advised the chairman of the committee that he had no choice but to decline to testify

or otherwise furnish the committee with any information in the possession of the Bureau concerning the matters mentioned, whether in executive session or otherwise, by reason of the instructions which he had received from the President, and for the additional reasons given in the opinion of the Attorney General.<sup>30</sup>

James L. Fly, Chairman of the Federal Communications Commission and Chairman of the Board of War Communications, was also subpoenaed to appear before the aforesaid committee.

He appeared on July 9, 1943, and did not produce the records described in the subpoena. He told the committee that he was bound by the decision of the Board of War Communications, of which he was one member, and that even if he had the documents in his custody, he would have no choice but to decline to hand them over to the committee.

The records in question were in the possession of Mr. Denny, General Counsel of the Federal Communications Commission, who was present at the time Mr. Fly was testifying before the committee. Mr. Denny had also been subpoenaed. He advised the committee that he had in his possession the papers called for. Neither Mr. Denny, nor Mr. Fly, exhibited the records to the committee. Both felt bound by the decision of the Board of War Communications.<sup>31</sup>

Acting Secretary of War Robert P. Patterson received an invitation by letter to appear before the committee and to produce certain documents. Several Army officers were also requested to appear. The reply of Mr. Patterson, in part, was as follows:

"The President directs that the committee be informed that he, the President, refuses to allow the documents to be delivered to the committee as contrary to the public interests. For the same reason, I am unable to permit the witnesses to appear" (ibid., 67).

Counsel for the committee noted in the record that the Secretary of War's refusal to allow the documents to be delivered was based upon the President's direction. However, the Secretary's decision not to permit the Army officers to appear was based upon the Secretary's own judgment.

Similarly, James Forrestal, Acting Secretary of the Navy, replied to a committee request for the testimony of naval officers and for certain documents from the files of the Navy Department. Mr. Forrestal declined permission for the naval officers, active or inactive, to appear. He closed his letter to the committee by stating:

"The President of the United States authorizes me to inform the committee that he, the President, refuses to allow the documents described in your letter to be delivered to the committee, as such delivery would be incompatible with the public interest" (ibid., 68).

Again we see that the President and members of his Cabinet, as well as heads of departments, exercised their own discretion concerning the propriety of furnishing testimony and papers to a committee of the House.

It may be added that the testimony of 10 Army officers, 20 naval officers, and the production of documents in 20 categories of the Army and 25 categories of the Navy were requested by the committee. By direction of the President, the production of the testimony and documents requested were refused.<sup>32</sup>

Although Congressman Cox, chairman of the committee, inserted two statements in the RECORD which were critical of the Chief Ex-

ecutive by reason of the latter's refusal to permit heads of departments and members of the Cabinet to furnish information and papers, the committee thought it wise not to press the issue.<sup>33</sup>

Apparently no further action was taken by the committee, following refusals of the heads of departments to comply with the subpoenas which had been served upon them.

To summarize

The precedents furnished by Franklin D. Roosevelt's administration show:

1. Federal Bureau of Investigation records and reports were refused to congressional committees, in the public interest.

2. The Director of the Federal Bureau of Investigation refused to give testimony or to exhibit a copy of the President's directive requiring him, in the interests of national security, to refrain from testifying or from disclosing the contents of the Bureau's reports and activities.

3. Communications between the President and the heads of departments are confidential and privileged and not subject to inquiry by a committee of one of the Houses of Congress.

4. The Director of the Bureau of the Budget refused to testify and to produce the Bureau's files, pursuant to subpoena which had been served upon him, because the President had instructed him not to make public the records of the Bureau due to their confidential nature. Public interest was again invoked to prevent disclosure.

5. A precedent which Theodore Roosevelt had established, to order the records of a department brought to the White House, when the President was convinced of their confidential nature, was apparently followed in the transfer of the records from the Director of the Bureau of the Budget to the White House.

6. The Chairman of the Federal Communications Commission and its chief counsel, both of whom had been subpoenaed, refused to testify and to produce files and records, despite the fact that the select committee was created to investigate the Federal Communications Commission. The reasons given for such refusal were that the records in question were those of the Board of War Communications, of which the Chairman of the Federal Communications Commission was only one member out of five. Both the Chairman and the chief counsel of the Commission who had possession of the records stated that they felt bound by the decision of the Board of War Communications not to produce the records or to testify concerning them.

7. Although the Chairman of the Federal Communications Commission was also Chairman of the Board of War Communications, he did not produce the records because of their confidential nature and because disclosure would have adversely affected the national security.

8. The Secretaries of War and Navy were directed not to deliver documents which the committee had requested, on grounds of public interest. The Secretaries, in their own judgment, refused permission to Army and Navy officers to appear and testify because they felt that it would be contrary to the public interests.

9. The chairman of the committee, while severely critical of the Chief Executive's directions to the Cabinet members and to the heads of departments, conceded a "certain exemption" which had been granted to the executive departments for over 140 years.

*President Truman's administration*

By concurrent resolution a joint congressional committee on the investigation of the Pearl Harbor attack was established on September 11, 1945. The committee was au-

<sup>27</sup> Vol. 40, Opinions, Atty. Gen., No. 8.

<sup>28</sup> Hearings, Select Committee To Investigate the Federal Communications Commission, vol. 1, p. 36.

<sup>29</sup> Ibid., 39.

<sup>30</sup> Vol. 40, Opinions, Atty. Gen., No. 8, Apr. 30, 1941.

<sup>31</sup> Hearings, Select Committee To Investigate the Federal Communications Commission, vol. 1, pp. 46, 48 through 67.

<sup>32</sup> 90th CONGRESSIONAL RECORD, p. 2111.

<sup>33</sup> 90th CONGRESSIONAL RECORD, Appendix, 1034, 1066 (1944).



thorized to require by subpoena, or otherwise, the attendance of witnesses and the production of books and papers. There had been seven prior investigations concerning the Pearl Harbor attack.<sup>34</sup> The committee's investigation extended to the files of all pertinent branches of the Government, and President Truman issued instructions to various departments of the Government. We will examine those instructions.<sup>35</sup>

On October 13, 1945, the President advised Senator Barkley, chairman of the committee, that he had appointed Judge Latta to supply the committee with any information which it deemed necessary from the White House files. The President's letter also stated that if the committee experienced difficulty in obtaining access to the files the President would issue the necessary orders for "complete access."

On August 28, 1945, the President had addressed a memorandum to the Secretaries of State, War, Navy, the Attorney General, the Joint Chiefs of Staff, and the Directors of the Bureau of the Budget, and the Office of War Information to this effect: That they should take the requisite steps to prevent release to the public, except with the President's approval, of information regarding the Cryptanalytic Unit. Since the joint committee was created subsequent to the August 28, 1945, memorandum, the President sent a memorandum on October 23, 1945, to four of the departments above named, expressing a desire to assist the joint congressional committee. He specifically excepted from the August 28 memorandum and authorized the release of information, "material to the investigation." The President also authorized any employee or member of the armed services, whose testimony the committee desired, to testify publicly before the committee concerning any matter "pertinent to the investigation" (Joint Committee Report, p. 286).

On November 7, 1945, the President addressed a memorandum to the chief executives of all departments, agencies, commissions and bureaus. The memorandum stated that in order to assist the committee to make a complete investigation, heads of departments were requested by the President to authorize every person in their respective departments or agencies, if interrogated by the committee, to give any information of which they may have knowledge bearing on the subject of the investigation. The President also requested the heads of the departments to authorize their respective employees to come forward voluntarily and to disclose to the committee "any information they may have on the subject of the inquiry which they may have any reason to think may not already have been disclosed to the committee."<sup>36</sup>

The President's directive was made applicable to all persons of all executive departments, whether or not those persons were called to testify before the joint committee.

There was one additional memorandum issued by the President for the chief execu-

tives of all executive departments, agencies, commissions and bureaus. It referred to the President's memorandum of November 7, 1945, and requested the heads of the departments to further authorize every person in those departments or agencies, whether or not they were interrogated by the committee, "to come forward and disclose orally to any of the members" of the committee "any information which they may have on the subject of the inquiry which they may have any reason to think has not already been disclosed to the committee."<sup>37</sup> The memorandum closed with the words: "This does not include any files or written material."

The joint committee's investigation was obviously intended to make full and complete disclosure to the American people, in order that the lessons of the Pearl Harbor disaster might "avoid pitfalls in the future," and "to evolve constructive suggestions for the protection of our national security."<sup>38</sup>

The executive branch was obviously in full agreement with the intent of Congress. The committee's report makes it clear, as already indicated, that the files of the pertinent Government branches were made available to the committee, following instruction from the President.<sup>39</sup>

The report also states that one member of the committee requested the production by the State Department of all papers relating to the so-called Tyler Kent case, which was disapproved by the majority of the committee. The State Department had advised the committee that those papers were in no way pertinent to the subject of the committee's inquiry.<sup>40</sup>

The report contains the names of the witnesses which appeared before the joint committee. Among them were the highest officers in both the War and Navy Departments and the highest officials of the State Department. The President's directives heretofore cited made the appearance of those witnesses possible.<sup>41</sup>

It should be noted, however, that the Chief Executive did not strip the executive branch, by his directives, of a discretion, in a doubtful case, to withhold written files. While the report of the joint committee indicates that the committee received the fullest measure of cooperation from the executive branch, in its desire to bring all pertinent facts to light, Senators Ferguson and Brewster filed a minority report wherein they were critical of the Presidential restraints on the committee.<sup>42</sup>

The minority complained that the President's memorandum of October 23, 1945, which lifted the prior secrecy of the Cryptanalytic Unit, was limited to the State, War, and Navy Departments. The minority also complained that the President's order relaxed the secrecy of the records only so far as the joint committee was concerned, while it continued to prevent individual members of the committee from searching

records. In this discussion, of course, we are not concerned with the differences within the committee.

The minority report was also critical of the phrase in the October 23, 1945, memorandum of the President: "any information in their possession material to the investigation."<sup>43</sup> The minority stated that those words provided a cloak for those reluctant to yield information requested by the members of the committee. Finally, the minority pointed out that the subsequent memorandums of the President never wholly removed the restrictions on the Government departments, and that in the order of November 7, 1945, the President relaxed restraints on executives of the Government in order that they might speak freely to "individual members of the committee," but the order did not include the release to such individual members of files or written material.<sup>44</sup>

The foregoing criticism of the minority, that "the joint committee was hedged about with troublesome qualifications and restraints"<sup>45</sup> by the Chief Executive does not find support in the report which was signed by the other eight members of the joint committee. However, there is a tacit understanding by the majority of the propriety of the President's instructions to the heads of departments as outlined above, and the minority did not anywhere in its report question the right of President Truman to issue the instructions which he did to the heads of departments. Apparently, their chief complaint was that the Truman committee, during the 4 years of its operations, did allow individual members of the committee to search for any information deemed relevant by them, whereas, in the joint committee investigation the majority of the committee refused to extend permission for individual members to search files and other records.

The conclusion we derive from the activities of the joint committee, which investigated the Pearl Harbor attack, is that the President, in an investigation involving the national security as well as the future safety of the country from attacks similar to the Pearl Harbor attack, assumed the responsibility of guiding and directing the heads of the executive departments concerning the oral testimony and the written material which they were to furnish to the committee.<sup>46</sup> In so doing, President Truman merely exercised the executive prerogative which prior administrations had handed down to him.

#### *Résumé and conclusions*

A bird's-eye view of the refusals by 17 of our Presidents and their heads of departments to comply with congressional requests for information and papers from the Executive, beginning with 1796 to the present time, follows:<sup>47</sup>

<sup>43</sup> For the Senate debate which accompanied the President's directions to the Cabinet officers and heads of departments, see 91 CONGRESSIONAL RECORD 10583-19504 (1945).

<sup>44</sup> In the bird's-eye picture, reference is made to the refusals of Presidents Monroe, Fillmore, Lincoln, and Hayes; Monroe's refusal may be found in a message dated January 10, 1825, 2 Richardson, "Messages and Papers of Presidents," p. 278; Fillmore's in 5 Richardson, p. 159; Lincoln's in 6 Richardson, p. 12; and the refusal in Hays' administration is dealt with in vol. 17, CONGRESSIONAL RECORD, pp. 2332 and 2618.

<sup>37</sup> *Ibid.*, Joint Committee Report, p. 287.

<sup>38</sup> P. xi. Foreword, Joint Committee Report, *supra*.

<sup>39</sup> *Ibid.*, xiv. Introductory Statement of the Joint Committee Report.

<sup>40</sup> *Ibid.*, p. xv, Introductory statement of the joint committee report.

<sup>41</sup> See pp. 278 and 279 for a list of the witnesses who appeared before the joint committee.

<sup>42</sup> *Ibid.*, p. 498, joint committee report.

<sup>34</sup> Doc. No. 244, 79th Cong., 2d sess., Report of the Joint Committee on the Investigation of the Pearl Harbor Attack, pp. xii and xiv.

<sup>35</sup> Appendix C, Communications From the President of the United States Relating to the Pearl Harbor Investigation, pp. 283-287 of the report, *ibid.*, footnote 1, *supra*.

<sup>36</sup> *Ibid.*, Joint Committee Report, p. 286.



| President                  | Date | Type of information refused                                                                                                                                       |
|----------------------------|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| George Washington.....     | 1796 | Instructions to U.S. Minister concerning Jay Treaty.                                                                                                              |
| Thomas Jefferson.....      | 1807 | Confidential information and letters relating to Burr's conspiracy.                                                                                               |
| James Monroe.....          | 1825 | Documents relating to conduct of naval officers.                                                                                                                  |
| Andrew Jackson.....        | 1833 | Copy of paper read by President to heads of departments relating to removal of bank deposits.                                                                     |
|                            | 1835 | Copies of charges against removed public official.                                                                                                                |
|                            | 1835 | List of all appointments made without Senate's consent, since 1829, and those receiving salaries without holding office.                                          |
| John Tyler.....            | 1842 | Names of Members of 26th and 27th Congresses who applied for office.                                                                                              |
|                            | 1843 | Report to War Department dealing with alleged frauds practiced on Indians, and Colonel Hitecock's views of personal characters of Indian delegates.               |
| James K. Polk.....         | 1846 | Evidence of payments made through State Department, on President's certificates, by prior administration.                                                         |
| Millard Fillmore.....      | 1852 | Official information concerning proposition made by King of Sandwich Islands to transfer islands to United States.                                                |
| James Buchanan.....        | 1860 | Message of protest to House against resolution to investigate attempts by Executive to influence legislation.                                                     |
| Abraham Lincoln.....       | 1861 | Dispatches of Major Anderson to the War Department concerning defense of Fort Sumter.                                                                             |
| Ulysses S. Grant.....      | 1876 | Information concerning executive acts performed away from Capitol.                                                                                                |
| Rutherford B. Hayes.....   | 1877 | Secretary of Treasury refused to answer questions and to produce papers concerning reasons for nomination of Theodore Roosevelt as collector of port of New York. |
| Grover Cleveland.....      | 1886 | Documents relating to suspension and removal of Federal officials.                                                                                                |
| Theodore Roosevelt.....    | 1909 | Attorney General's reasons for failure to prosecute United States Steel Corp.                                                                                     |
|                            | 1909 | Documents of Bureau of Corporations, Department of Commerce.                                                                                                      |
| Calvin Coolidge.....       | 1924 | List of companies in which Secretary of Treasury Mellon was interested.                                                                                           |
| Herbert Hoover.....        | 1930 | Telegrams and letters leading up to London Naval Treaty.                                                                                                          |
|                            | 1932 | Testimony and documents concerning investigation made by Treasury Department.                                                                                     |
| Franklin D. Roosevelt..... | 1941 | Federal Bureau of Investigation reports.                                                                                                                          |
|                            | 1943 | Director, Bureau of the Budget, refused to testify and to produce files.                                                                                          |
|                            | 1943 | Chairman, Federal Communications Commission, and Board of War Communications refused records.                                                                     |
|                            | 1943 | General Counsel, Federal Communications Commission, refused to produce records.                                                                                   |
|                            | 1943 | Secretaries of War and Navy, refused to furnish documents, and permission for Army and naval officers to testify.                                                 |
| President Truman.....      | 1944 | J. Edgar Hoover refused to give testimony and to produce President's directive.                                                                                   |
|                            | 1945 | Issued directions to heads of executive departments to permit officers and employees to give information to Pearl Harbor Committee.                               |
|                            | 1945 | President's directive did not include any files or written material.                                                                                              |
|                            | 1947 | Civil Service Commission records concerning applicants for positions.                                                                                             |

The framers of the Constitution had taken pains to insure the independence of the executive branch.<sup>45</sup> Historical precedents detailed by us, covering more than 150 years of presidential action, demonstrates that our Presidents have vigorously asserted that independence.

This is not to say that the instances we have cited are the only ones in which a President or the heads of departments asserted their judgment and discretion, in the public interest, to keep papers in the executive departments confidential. There are many other illustrations, in both the administrations of the Presidents we have listed and in those not included in our discussion, where papers have been withheld from Congress or its committees. Compared with the great number of situations where the Executive has freely furnished Congress with information, those presented by us are relatively few. Fewer still are the conflicts between the Executive and Congress which have given rise to congressional debate or to resolutions of protest by either of the Houses.

In the great conflicts which have arisen, in the administrations of Washington, Jackson, Tyler, Cleveland, and Theodore Roosevelt, the Executive always prevailed.

The next part of my exhibit is the letter of the President to the Secretary of Defense, dated May 17, 1954, and accompanied by a memorandum from the Attorney General.

<sup>45</sup> Binkley, President and Congress, p. 25. The Federalist, No. 51: "But the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachment of the others."

[Immediate release, May 17, 1954. James C. Hagerty, press secretary to the President]

The President today sent the following letter to the Secretary of Defense:

"THE WHITE HOUSE.  
"The Honorable the SECRETARY OF DEFENSE,  
"Washington, D.C.

"DEAR MR. SECRETARY: It has long been recognized that to assist the Congress in achieving its legislative purposes every executive department or agency must, upon the request of a congressional committee, expeditiously furnish information relating to any matter within the jurisdiction of the committee, with certain historical exceptions—some of which are pointed out in the attached memorandum from the Attorney General. This administration has been and will continue to be diligent in following this principle. However, it is essential to the successful working of our system that the persons entrusted with power in any 1 of the 3 great branches of Government shall not encroach upon the authority confided to the others. The ultimate responsibility for the conduct of the executive branch rests with the President.

"Within this constitutional framework, each branch should cooperate fully with each other for the common good. However, throughout our history the President has withheld information whenever he found that what was sought was confidential or its disclosure would be incompatible with the public interest or jeopardize the safety of the Nation.

"Because it is essential to efficient and effective administration that employees of the executive branch be in a position to be completely candid in advising with each other on official matters, and because it is not in the public interest that any of their conversations or communications or any documents or reproductions concerning such

advice be disclosed, you will instruct employees of your Department that in all of their appearances before the subcommittee of the Senate Committee on Government Operations regarding the inquiry now before it they are not to testify to any such conversations or communications or to produce any such documents or reproductions. This principle must be maintained regardless of who would be benefited by such disclosures.

"I direct this action so as to maintain the proper separation of powers between the executive and legislative branches of the Government in accordance with my responsibilities and duties under the Constitution. This separation is vital to preclude the exercise of arbitrary power by any branch of the Government.

"By this action I am not in any way restricting the testimony of such witnesses as to what occurred regarding any matters where the communication was directly between any of the principals in the controversy within the executive branch, on the one hand, and a member of the subcommittee or its staff, on the other.

"Sincerely,  
"DWIGHT D. EISENHOWER."

Memorandum for: The President.  
From: The Attorney General.

One of the chief merits of the American system of written constitutional law is that all the powers entrusted to the Government are divided into three great departments, the executive, the legislative, and the judicial. It is essential to the successful working of this system that the persons entrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall be limited to the exercise of the powers appropriate to its own department and no other. The doctrine of separation of powers was adopted to preclude the exercise of arbitrary power and to save the people from autocracy.

This fundamental principle was fully recognized by our first President, George Washington, as early as 1796 when he said: " \* \* \* it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved \* \* \* " In his Farewell Address, President Washington again cautioned strongly against the danger of encroachment by one department into the domain of another as leading to despotism. This principle has received steadfast adherence throughout the many years of our history and growth. More than ever, it is our duty today to heed these words if our country is to retain its place as a leader among the free nations of the world.

For over 150 years—almost from the time that the American form of government was created by the adoption of the Constitution—our Presidents have established, by precedent, that they and members of their Cabinet and other heads of executive departments have an undoubted privilege and discretion to keep confidential, in the public interest, papers and information which require secrecy. American history abounds in countless illustrations of the refusal, on occasion, by the President and heads of departments to furnish papers to Congress, or its committees, for reasons of public policy. The messages of our past Presidents reveal that almost every one of them found it necessary to inform Congress of his constitutional duty to execute the office of President, and, in furtherance of that duty,



to withhold information and papers for the public good.

Nor are the instances lacking where the aid of a court was sought in vain to obtain information or papers from a President and the heads of departments. Courts have uniformly held that the President and the heads of departments have an uncontrolled discretion to withhold the information and papers in the public interest; they will not interfere with the exercise of that discretion, and that Congress has not the power, as one of the three great branches of the Government, to subject the executive branch to its will any more than the executive branch may impose its unrestrained will upon the Congress.

#### *President Washington's administration*

In March 1792, the House of Representatives passed the following resolution:

"Resolved, That a committee be appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair; and that the said committee be empowered to call for such persons, papers, and records, as may be necessary to assist their inquiries" (3 Annals of Congress, p. 493).

This was the first time that a committee of Congress was appointed to look into a matter which involved the executive branch of the Government. The expedition of General St. Clair was under the direction of the Secretary of War. The expenditures connected therewith came under the Secretary of the Treasury. The House based its right to investigate on its control of the expenditures of public moneys. It appears that the Secretaries of War and the Treasury appeared before the committee. However, when the committee was bold enough to ask the President for the papers pertaining to the General St. Clair campaign, President Washington called a meeting of his Cabinet (Binkley, *President and Congress*, pp. 40-41).

Thomas Jefferson, as Secretary of State, reports what took place at that meeting. Besides Jefferson, Alexander Hamilton, Henry Knox, Secretary of War, and Edmond Randolph, the Attorney General, were present. The committee had first written to Knox for the original letters, instructions, etc., to General St. Clair. President Washington stated that he had called his Cabinet members together, because it was the first example of a demand on the Executive for papers, and he wished that so far as it should become a precedent, it should be rightly conducted. The President readily admitted that he did not doubt the propriety of what the House was doing, but he could conceive that there might be papers of so secret a nature that they ought not to be given up. Washington and his Cabinet came to the unanimous conclusion:

"First, that the House was an inquest, and therefore might institute inquiries. Second, that it might call for papers generally. Third, that the Executive ought to communicate such papers as the public good would permit, and ought to refuse those the disclosure of which would injure the public. Consequently were to exercise a discretion. Fourth, that neither the committee nor House had a right to call on the head of a department, who and whose papers were under the President alone; but that the committee should instruct their chairman to move the House to address the President."

The precedent thus set by our first President and his Cabinet was followed in 1796, when President Washington was presented with a resolution of the House of Representatives which requested him to lay before the House a copy of the instructions to the Minister of the United States who negotiated the treaty with the King of Great Britain, together with the correspondence and documents relative to that treaty. Apparently it was necessary to implement the

treaty with an appropriation which the House was called upon to vote. The House insisted on its right to the papers requested, as a condition to appropriating the required funds (President and Congress, Wilfred E. Binkley (1947), p. 44).

President Washington's classic reply was, in part, as follows:

"I trust that no part of my conduct has ever indicated a disposition to withhold any information which the Constitution has enjoined upon the President as a duty to give, or which could be required of him by either House of Congress as a right; and with truth I affirm that it has been, as it will continue to be while I have the honor to preside in the Government, my constant endeavor to harmonize with the other branches thereof so far as the trust delegated to me by the people of the United States and my sense of the obligations it imposes to 'preserve, protect, and defend the Constitution' will permit" (Richardson's "Messages and Papers of the Presidents," vol. 1, p. 194).

Washington then went on to discuss the secrecy required in negotiations with foreign governments, and cited that as a reason for vesting the power of making treaties in the President, with the advice and consent of the Senate. He felt that to admit the House of Representatives into the treaty-making power, by reason of its constitutional duty to appropriate moneys to carry out a treaty, would be to establish a dangerous precedent. He closed his message to the House as follows:

"As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; \* \* \* and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbids a compliance with your request" (Richardson's Messages and Papers of the Presidents, vol. 1, p. 196).

#### *President Jefferson's administration*

In January 1807, Representative Randolph introduced a resolution, as follows:

"Resolved, That the President of the United States be, and he hereby is, requested to lay before this House any information in possession of the Executive, except such as he may deem the public welfare to require not to be disclosed, touching any illegal combination of private individuals against the peace and safety of the Union, or any military expedition planned by such individuals against the territories of any power in amity with the United States; together with the measures which the Executive has pursued and proposes to take for suppressing or defeating the same" (16 Annals of Congress (1806-1807), p. 336).

The resolution was overwhelmingly passed. The Burr conspiracy was then stirring the country. Jefferson had made it the object of a special message to Congress wherein he referred to a military expedition headed by Burr. Jefferson's reply to the resolution was a message to the Senate and House of Representatives. Jefferson brought the Congress up to date on the news which he had been receiving concerning the illegal combination of private individuals against the peace and safety of the Union. He pointed out that he had recently received a mass of data, most of which had been obtained without the sanction of an oath so as to constitute formal and legal evidence. "It is chiefly in the form of letters, often containing such a mixture of rumors, conjectures, and suspicions as renders it difficult to sift out the real facts and unadvisable to hazard more than general outlines, strengthened by concurrent information or the particular credibility of the relator. In this state of the evidence, de-

livered sometimes, too, under the restriction of private confidence, neither safety nor justice will permit the exposing names, except that of the principal factor, whose guilt is placed beyond question" (Richardson's Messages and Papers of the Presidents, vol. 1, p. 412, dated January 22, 1807).

#### *Similar actions by Presidents Jackson, Tyler, Buchanan, and Grant*

On February 10, 1835, President Jackson sent a message to the Senate wherein he declined to comply with the Senate's resolution requesting him to communicate copies of charges which had been made to the President against the official conduct of Gideon Fitz, late Surveyor General, which caused his removal from office. The resolutions stated that the information requested was necessary both in the action which it proposed to take on the nomination of a successor to Fitz, and in connection with the investigation which was then in progress by the Senate respecting the frauds in the sales of public lands.

The President declined to furnish the information. He stated that in his judgment the information related to subjects exclusively belonging to the executive department. The request therefore encroached on the constitutional powers of the Executive.

The President's message referred to many previous similar requests, which he deemed unconstitutional demands by the Senate: "Their continued repetition imposes on me, as the representative and trustee of the American people, the painful but imperative duty of resisting to the utmost any further encroachment on the rights of the Executive" (ibid., p. 133).

The President next took up the fact that the Senate resolution had been passed in executive session, from which he was bound to presume that if the information requested by the resolution were communicated, it would be applied in secret session to the investigation of frauds in the sales of public lands. The President said that, if he were to furnish the information, the citizen whose conduct the Senate sought to impeach would lose one of his basic rights, namely, that if a public investigation in the presence of his accusers and of the witnesses against him. In addition, compliance with the resolution would subject the motives of the President, in the case of Mr. Fitz, to the review of the Senate when not sitting as judges on an impeachment; and even if such a consequence did not follow in the present case, the President feared that compliance by the Executive might thereafter be quoted as a precedent for similar and repeated applications.

"Such a result, if acquiesced in, would ultimately subject the independent constitutional action of the Executive in a matter of great national concernment to the domination and control of the Senate; \* \* \*

"I therefore decline a compliance with so much of the resolution of the Senate as requests 'copies of the charges, if any,' in relation to Mr. Fitz, and in doing so must be distinctly understood as neither affirming nor denying that any such charges were made; \* \* \*" (ibid., p. 134).

One of the best reasoned precedents of a President's refusal to permit the head of a Department to disclose confidential information to the House of Representatives is President Tyler's refusal to communicate to the House of Representatives the reports relative to the affairs of the Cherokee Indians and to the frauds which were alleged to have been practiced upon them. A resolution of the House of Representatives had called upon the Secretary of War to communicate to the House the reports made to the Department of War by Lieutenant Colonel Hitchcock relative to the affairs of the Cherokee Indians together with all information communicated by him concerning the frauds he was charged



to investigate; also all facts in the possession of the Executive relating to the subject. The Secretary of War consulted with the President and under the latter's direction informed the House that negotiations were then pending with the Indians for settlement of their claims; in the opinion of the President and the Department, therefore, publication of the report at that time would be inconsistent with the public interest. The Secretary of War further stated in his answer to the resolution that the report sought by the House, dealing with alleged frauds which Lieutenant Colonel Hitchcock was charged to investigate, contained information which was obtained by Colonel Hitchcock by ex parte inquiries of persons whose statements were without the sanction of an oath, and which the persons implicated had had no opportunity to contradict or explain. The Secretary of War expressed the opinion that to promulgate those statements at that time would be grossly unjust to those persons, and would defeat the object of the inquiry. He also remarked that the Department had not been given at that time sufficient opportunity to pursue the investigation, to call the parties affected for explanations, or to determine on the measures proper to be taken.

The answer of the Secretary of War was not satisfactory to the Committee on Indian Affairs of the House, which claimed the right to demand from the Executive and heads of departments such information as may be in their possession relating to subjects of the deliberations of the House.

President Tyler, in a message dated January 31, 1843, vigorously asserted that the House of Representatives could not exercise a right to call upon the Executive for information, even though it related to a subject of the deliberations of the House, if, by so doing, it attempted to interfere with the discretion of the Executive.

The same course of action was taken by President James Buchanan in 1860 in resisting a resolution of the House to investigate whether the President or any other officer of the Government had, by money, patronage, or other improper means sought to influence the action of Congress for or against the passage of any law relating to the rights of any State or territory. (See Richardson, "Messages and Papers of the Presidents," vol. 5, pp. 618-619.)

In the administration of President Ulysses S. Grant the House requested the President to inform it whether any executive offices, acts, or duties, and if any, what, have been performed at a distance from the seat of government established by law. It appears that the purpose of this inquiry was to embarrass the President by reason of his having spent some of the hot months at Long Branch. President Grant replied that he failed to find in the Constitution the authority given to the House of Representatives, and that the inquiry had nothing to do with legislation (Richardson, "Messages and Papers of the Presidents," vol. VII, pp. 362-363).

#### *President Cleveland's administration*

In 1886, during President Cleveland's administration, there was an extended discussion in the Senate with reference to its relations to the Executive caused by the refusal of the Attorney General to transmit to the Senate certain documents concerning the administration of the office of the district attorney for the southern district of south Alabama, and suspension of George W. Durkin, the late incumbent. The majority of the Senate Committee on the Judiciary concluded it was entitled to know all that officially exists or takes place in any of the departments of Government and that neither the President nor the head of a de-

partment could withhold official facts and information as distinguished from private and unofficial papers.

In his reply President Cleveland disclaimed any intention to withhold official papers, but he denied that papers and documents inherently private or confidential, addressed to the President or a head of a department, having reference to an act entirely executive such as the suspension of an official, were changed in their nature and became official when placed for convenience in the custody of a public department (Richardson, Messages and Papers of the Presidents, vol. 8, pp. 378-379, 381).

Challenging the attitude that because the executive departments were created by Congress the latter had any supervisory power over them, President Cleveland declared (Eberling, Congressional Investigation, p. 258):

"I do not suppose that the public offices of the United States are regulated or controlled in their relations to either House of Congress by the fact that they were created by laws enacted by themselves. It must be that these instrumentalities were created for the benefit of the people and to answer the general purposes of government under the Constitution and the laws, and that they are unencumbered by any lien in favor of either branch of Congress growing out of their construction and unembarrassed by any obligation to the Senate as the price of their creation."

#### *President Theodore Roosevelt's administration*

In 1909, during the administration of President Theodore Roosevelt, the question of the right of the President to exercise complete direction and control over heads of executive departments was raised again. At that time the Senate passed a resolution directing the Attorney General to inform the Senate whether certain legal proceedings had been instituted against the United States Steel Corp., and if not, the reasons for its non-action. Request was also made for any opinion of the Attorney General, if one was written. President Theodore Roosevelt replied refusing to honor this request upon the ground that "Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever" (CONGRESSIONAL RECORD vol. 43, pt. 1, 60th Cong., 2d sess., pp. 527-528).

When the Senate was unable to get the documents from the Attorney General, it summoned Herbert K. Smith, the head of the Bureau of Corporations, and requested the papers and documents on penalty of imprisonment for contempt. Mr. Smith reported the request to the President, who directed him to turn over to the President all the papers in the case "so that I could assist the Senate in the prosecution of its investigation." President Roosevelt then informed Senator CLARK of the Judiciary Committee what had been done, that he had the papers and the only way the Senate could get them was through his impeachment. President Roosevelt also explained that some of the facts were given to the Government under the seal of secrecy and cannot be divulged, "and I will see to it that the word of this Government to the individual is kept sacred" (Corwin, "The President—Office and Powers," pp. 281, 428; Abbott, "The Letters of Archie Butt, Personal Aide to President Roosevelt," pp. 305-306).

#### *President Coolidge's administration*

In 1924, during the administration of President Coolidge, the latter objected to the action of a special investigating committee appointed by the Senate to investi-

gate the Bureau of Internal Revenue. Request was made by the committee for a list of the companies in which the Secretary of the Treasury was alleged to be interested for the purpose of investigating their tax returns. Calling this exercise of power an unwarranted intrusion, President Coolidge said:

"Whatever may be necessary for the information of the Senate or any of its committees in order to better enable them to perform their legislative or other constitutional functions ought always to be furnished willingly and expeditiously by any department. But it is recognized both by law and custom that there is certain confidential information which it would be detrimental to the public service to reveal" (68th Cong., 1st sess., Record, April 11, 1924, p. 6087).

#### *President Hoover's administration*

A similar question arose in 1930 during the administration of President Hoover, Secretary of State Stimson refused to disclose to the chairman of the Senate Foreign Relations Committee certain confidential telegrams and letters leading up to the London Conference and the London Treaty. The committee asserted its right to have full and free access to all records touching the negotiations of the treaty, basing its right on the constitutional prerogative of the Senate in the treatymaking process. In his message to the Senate, President Hoover pointed out that there were a great many informal statements and reports which were given to the Government in confidence. The Executive was under a duty, in order to maintain amicable relations with other nations, not to publicize all the negotiations and statements which went into the making of the treaty. He further declared that the Executive must not be guilty of a breach of trust nor violate the invariable practice of nations. "In view of this, I believe that to further comply with the above resolution would be incompatible with the public interest" (S. Doc. 216, 71st Cong., special sess., p. 2).

#### *President Franklin D. Roosevelt's administration*

The position was followed during the administration of President Franklin D. Roosevelt. There were many instances in which the President and his executive heads refused to make available certain information to Congress the disclosure of which was deemed to be confidential or contrary to the public interest. Merely a few need be cited.

1. Federal Bureau of Investigation records and reports were refused to congressional committees in the public interest (40 Op. A.G. No. 8, Apr. 30, 1941).

2. The Director of the Federal Bureau of Investigation refused to give testimony or to exhibit a copy of the President's directive requiring him, in the interests of national security, to refrain from testifying or from disclosing the contents of the Bureau's reports and activities (hearings, vol. 2, House 78th Cong. Select Committee To Investigate the Federal Communications Commission (1944), p. 2337).

3. Communications between the President and the heads of departments were held to be confidential and privileged and not subject to inquiry by a committee of one of the Houses of Congress (letter dated Jan. 23, 1944, signed Francis Biddle, Attorney General, to Select Committee, etc.).

4. The Director of the Bureau of the Budget refused to testify and to produce the Bureau's files, pursuant to subpoena which had been served upon him, because the President had instructed him not to make public the records of the Bureau due to their confidential nature. Public interest was again invoked to prevent disclosure (reliance placed on Attorney General's opinion in 40 Op. A. G. No. 8, Apr. 30, 1941).



5. The Secretaries of War and Navy were directed not to deliver documents which the committee had requested on grounds of public interest. The Secretaries, in their own judgment, refused permission to Army and Navy officers to appear and testify because they felt that it would be contrary to the public interest (hearings, Select Committee To Investigate the Federal Communications Commission, vol. 1, pp. 46, 48-68).

#### PRESIDENT TRUMAN'S ADMINISTRATION

During the Truman administration also the President adhered to the traditional Executive view that the President's discretion must govern the surrender of executive files. Some of the major incidents during the administration of President Truman in which information, records, and files were denied to congressional committees were as follows:

| Date             | Type of document refused                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mar. 4, 1948...  | FBI letter-report on Dr. Condon, Director of National Bureau of Standards, refused by Secretary of Commerce.                                                                                                                                                                                                                                                                                                                  |
| Mar. 15, 1948... | President issued directive forbidding all executive departments and agencies to furnish information or reports concerning loyalty of their employees to any court or committee of Congress, unless President approves.                                                                                                                                                                                                        |
| Mar. 1948.....   | Dr. John R. Steelman, Confidential Adviser to the President, refused to appear before Committee on Education and Labor of the House, following the service of two subpoenas upon him. President directed him not to appear.                                                                                                                                                                                                   |
| Aug. 5, 1948...  | Attorney General wrote Senator Ferguson, chairman of Senate Investigations Subcommittee, that he would not furnish letters, memoranda, and other notices which the Justice Department had furnished to other Government agencies concerning W. W. Remington.                                                                                                                                                                  |
| Feb. 22, 1950... | S. Res. 231 directing Senate subcommittee to procure State Department loyalty files was met with President Truman's refusal, following vigorous opposition of J. Edgar Hoover.                                                                                                                                                                                                                                                |
| Mar. 27, 1950... | Attorney General and Director of FBI appeared before Senate subcommittee. Mr. Hoover's historic statement of reasons for refusing to furnish raw files approved by Attorney General.                                                                                                                                                                                                                                          |
| May 16, 1951...  | General Bradley refused to divulge conversations between President and his advisers to combined Senate Foreign Relations and Armed Services Committees.                                                                                                                                                                                                                                                                       |
| Jan. 31, 1952... | President Truman directed Secretary of State to refuse to Senate Internal Security Subcommittee the reports and views of Foreign Service officers.                                                                                                                                                                                                                                                                            |
| Apr. 22, 1952... | Acting Attorney General Perlman laid down procedure for complying with requests for inspection of Department of Justice files by Committee on Judiciary:<br>Requests on open cases would not be honored. Status report will be furnished.<br>As to closed cases, files would be made available. All FBI reports and confidential information would not be made available.<br>As to personnel files, they are never disclosed. |
| Apr. 3, 1952...  | President Truman instructed Secretary of State to withhold from Senate Appropriations Subcommittee files on loyalty and security investigations of employees—policy to apply to all executive agencies. The names of individuals determined to be security risks would not be divulged. The voting record of members of an agency loyalty board would not be divulged.                                                        |

Thus, you can see that the Presidents of the United States have withheld information of executive departments or agencies whenever it was found that the information sought was confidential or that its disclosure would be incompatible with the public interest or jeopardize the safety of the Nation. The courts too have held that the question whether the production of the papers was contrary to the public interest was a matter for the Executive to determine.

By keeping the lines which separate and divide the three great branches of our Government clearly defined, no one branch has been able to enroach upon the powers of the other.

Upon this firm principle our country's strength, liberty, and democratic form of government will continue to endure.

Finally, my exhibit concludes with an article by Philip R. Collins from the Georgetown Law Journal, volume 39, page 563.

#### THE POWER OF CONGRESSIONAL COMMITTEES OF INVESTIGATION TO OBTAIN INFORMATION FROM THE EXECUTIVE BRANCH: THE ARGUMENT FOR THE LEGISLATIVE BRANCH\*

(By Philip R. Collins \*\*)

Congressional committees of investigation have, in recent decades, become a part of

\* A more elaborate treatment of this subject and related problems is contained in a doctoral dissertation submitted to the department of political science, the graduate school, Georgetown University. See Collins, "A Problem in American Constitutional Law: The Power of Congressional Investigating Committees To Require Information from the Executive" (Georgetown University, June 1950).

\*\* B.A., Loyola University, 1939; LL.B., 1942; M.A., Georgetown University, 1948; Ph. D., Georgetown University, 1950. Member of the Louisiana and Massachusetts bars and the bar of the U.S. Supreme Court. The author acknowledges the material assistance rendered by the Rev. Joseph T. Durkin, S.J.,

our national scene. These committees, their members and tactics make good copy for column 1, page 1 of our large metropolitan newspapers. More than one Member of Congress has won favorable notice and political advancement by reason of his activities on such committees.<sup>1</sup>

A participation in the ever-current debate as to whether a congressional committee is a force for good or for evil in our democratic form of Government is not the purpose of this article.<sup>2</sup> Nor are we concerned with the right of a witness or an accused, as he may be popularly called, to representation by counsel and to cross-examination of witnesses. This question has been properly and fully examined by other writers.<sup>3</sup> Nor need there be a discussion of a question fully covered by both the courts and writers in legal periodicals through the years—the right of congressional committees of investigation to punish for contempt.<sup>4</sup> In this article, the writer merely proposes to discuss the power of these committees to obtain information

associate professor of political science, graduate school, Georgetown University, in the preparation of this material.

<sup>1</sup> Senators MUNDT, of South Dakota, and NIXON, of California, are examples of Congressmen who have risen to the upper Chamber because of the publicity received from their service on congressional investigating committees.

<sup>2</sup> Boudin, "Congressional and Agency Investigations: Their Uses and Abuses" (35 Va. L. Rev. 143 (1949)).

<sup>3</sup> E.g., Lord, "The Lawyer and the Congressional Investigation" (21 So. Calif. L. Rev. 242 (1948)); Wyzanski, "Standards for Congressional Investigations" (3 The Record, N.Y.C. Bar Association 93 (1948)).

<sup>4</sup> E.g., *McGrain v. Daugherty*, 273 U.S. 135 (1927); *In re Chapman*, 166 U.S. 661 (1897); Dimock, "Congressional Investigating Committees" (Johns Hopkins Press, 1938); Eberling, "Congressional Investigations" (Columbia Press, 1927); Landis, "Congressional Power of Investigation" (40 Harv. L. Rev. 153 (1926)).

and documentation from the executive branch of our Government.

#### INTRODUCTION

The problem, then, which confronts us, may be restated in one question: Should Congress, through the medium of its investigating committees, be allowed to require the executive branch of our Government to furnish them with information which is deemed necessary by the legislative branch, in order to legislate wisely and in the public interest? This problem, which has seemingly remained unresolved through the years, and which usually lies dormant in times of war or national emergency, was resurrected during the 80th Congress.

Over the years, the executive branch has developed a stock answer or argument to such requests when it has not desired to furnish the requested information or documents. This stock response of the executive branch will be referred to herein as the "precedent" argument, because, prior to a citation of examples which supposedly buttress his position, the head of an executive department will respond substantially as follows to the committee requesting the information: To conclude that the public interest does not permit general access to these reports, I am following the conclusions reached by a long line of distinguished predecessors in the executive branch of the Government who have taken the same view.<sup>5</sup>

The writer will then cite and, if the matter is of major importance, will elaborate on a series of incidents in which the executive branch refused to submit information to congressional investigating committees. According to the usual method, these examples will begin with the refusal of President Washington's Secretary of War to furnish certain original letters and documents, on Washington's advice, to a congressional committee investigating the failure of the campaign of General St. Clair and could continue down to the refusal of the Department of Commerce, during the 80th Congress, to furnish information to the committees concerning the FBI loyalty report on Dr. Edward U. Condon, Director of the Bureau of Standards.<sup>6</sup> The executive branch

<sup>5</sup> E.g., the statement of Vincent C. Burke, Acting Postmaster General, delivered before a subcommittee of the Senate Post Office and Civil Service Committee, 80th Cong., 2d sess., Thursday, May 20, 1948 (unpublished).

<sup>6</sup> Random examples usually cited by the executive branch include: (1) President Washington's refusal to give the House copies of his instructions to Minister John Jay concerning the negotiation of a treaty with Great Britain in 1796; (2) the refusal of President Jefferson to turn over information on the Aaron Burr incident to the House; (3) President Jackson's refusal to send to the Senate copies of the charges made against Gideon Fitz, the Surveyor-General; (4) President Tyler's refusal to disclose to the House the names of applicants and their mode of application for office; (5) the refusal of President Tyler to communicate information concerning Colonel Hitchcock's negotiations with the Cherokee Indians; (6) President Polk's refusal to forward an accounting to the House of all payments for contingent expenses of foreign intercourse; (7) President Buchanan's protest against a resolution creating a committee to investigate his attempts to influence Congress; (8) President Grant's reply to the House when it demanded to know whether he performed executive functions while away from the seat of the Government; (9) the message of President Theodore Roosevelt informing the Senate of his instructions to the Attorney-General not to reply to a resolution directed at the latter inquiring as to his inaction in not prosecuting the U.S. Steel Corp. because



argues further that no Congress has dared to endeavor to force the head of an executive department to submit information, once there has been a formal refusal by the executive department to do so.

The second argument advanced by the executive branch is that the courts have repeatedly held that the executive cannot be required to produce such papers when their production is, in the executive's opinion, contrary to the public interest. This argument states further that whether or not the production of such papers is in the public interest is a question for the executive and not for the courts to determine. Citations of Federal and State court decisions are used to buttress this statement. The genesis of this legal argument is to be found in a formal opinion of Attorney General Robert H. Jackson, a member of the Roosevelt Cabinet in 1941, in response to a request for information from a congressional investigating committee.<sup>7</sup>

The tendency of the American press and public has been to uncritically accept these arguments of the executive branch. The fact is that the concept of the inquisitorial tribunal, does not fit comfortably into the minds of Americans raised in a tradition of Jeffersonian or Lincolnian liberalism. Nor was the popular view rendered more cordial toward investigating committees by the Kleig light and Hollywood ballyhoo technique which, with dubious judgment, was employed by congressional investigating committees of recent memory.

The arguments of the executive branch, under the microscope of careful examination, are not unimpeachable. The precedent argument can be countered, as the following paragraphs will attempt to show, by strong arguments on the part of the legislative branch. And the legal argument is equally questionable.

#### THE REPLY OF THE LEGISLATIVE BRANCH TO THE PRECEDENT ARGUMENT OF THE EXECUTIVE BRANCH

The answer of the legislative branch of our Government to the claim of the executive branch is to be found in the debates and proceedings of the two Houses of Congress. There are two series of debates to be considered—one of the Senate during the 49th Congress, first session, in March, 1886,<sup>8</sup> and the other in the House of Representatives during the 80th Congress, second session, in May, 1948.<sup>9</sup>

The discussion in the CONGRESSIONAL RECORD for the 49th Congress, first session, on the proposed resolutions to censure the Attorney General for refusing to give the Senate certain information furnishes interesting data pertinent to the position of the legislative branch on the issue which is the topic of this study. In the 80th Congress, second session, there was introduced House Joint Resolution 342:

"Directing all executive departments and agencies of the Federal Government to make available to any and all standing, special, or select committees of the House of Representatives and the Senate, information which may be deemed necessary to enable them to

properly perform the duties delegated to them by the Congress."<sup>10</sup>

The legislative history of this resolution,<sup>11</sup> and allied documents,<sup>12</sup> furnishes the material for the second part of the response to the "precedent" argument of the executive branch.

During President Cleveland's first term, in March 1886, the Senate censured the Attorney General, Mr. Garland, a former Senator from Arkansas, for his failure to furnish the Senate Judiciary Committee with information and papers relating to the suspension of George N. Duskin, a Republican, as United States Attorney in an Alabama District. The Truman Administration, in its recent struggle with the Congress, cited the debates in 1886 on this subject as a victory for their position, since Cleveland's Department of Justice was not forced in any way to submit the requested information. It is to be noted, however, that the action of the Attorney General was condemned by the Senate in four separate resolutions, the most important of which probably was the second, in which the Senate stated expressly:

"In condemnation of the refusal of the Attorney General, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 25th of January, and set forth in the report of the Committee on the Judiciary, as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof."<sup>13</sup>

An attempt by Senator Morgan, of Alabama, after the passage of the four resolutions, to amend the same by a tricky procedural move, failed. The attempted amendment, submitted in the form of a resolution, read as follows:

"Resolved, That nothing in these resolutions contained is to be construed as declaring that the conduct of the Attorney General renders him liable to impeachment, and the Senate disclaims the right or power to punish him by imprisonment or otherwise than by impeachment for the offense charged against him in the second resolution, which the Senate has just adopted."<sup>14</sup>

This resolution was defeated by a sly maneuver of the majority leader, Senator Hoar, of Massachusetts. When Hoar's point of order that the amendment was not timely, failed, and the President pro tempore ruled that Senator Morgan clearly had the right to offer the amendment, Hoar then asked that this be allowed by unanimous consent, rather than by order, for he felt that "it would embarrass the Senate \* \* \* very much to establish such a precedent."<sup>15</sup>

<sup>10</sup> H.J. Res. 342, 80th Cong., 2d sess. (1948).

<sup>11</sup> H.R. Rept. No. 1595, pts. 1 and II, 80th Cong., 2d sess. (1948); 94 CONGRESSIONAL RECORD 5704 (1948).

<sup>12</sup> See memorandums of Mar. 10, 1948, and Dec. 30, 1947, from the Federal Law Section, Library of Congress, to Congressman HOFFMAN reprinted in the appendix to H.R. Rept. No. 1595, pt. I, 80th Cong., 2d sess. 14 (1948); H.R. Rept. No. 1753, 80th Cong., 2d sess. (1948), directing the Secretary of Commerce to transmit to the House a letter concerning Dr. Edward U. Condon; see also message of President Truman vetoing S. 1004 which concerned the grant of specific authority to Senate members of the Joint Committee on Atomic Energy to require investigations by the FBI of persons nominated for appointment under the Atomic Energy Act of 1946, reprinted in 94 CONGRESSIONAL RECORD 6196 (1948).

<sup>13</sup> 17 CONGRESSIONAL RECORD 2211 (1886).

<sup>14</sup> Id. at 2814.

<sup>15</sup> The following colloquy, contained in 17 CONGRESSIONAL RECORD 2814 (1886), is pertinent:

"Mr. HOAR. I desire to raise a question of order. All the resolutions have been passed,

Then, hastily, Senator Hoar moved to lay the resolution on the table. His motion carried by a vote of 33 yeas to 26 nays with 16 Members absent. The effect of this motion was to reject the resolution to amend.<sup>16</sup> By such a rejection, the majority in the Senate made it clear that they were in no way excusing the Attorney General from possible impeachment and that they were not renouncing what they considered to be their legal right to punish him by imprisonment, or otherwise than by impeachment for his refusal to submit to the committee the desired information.<sup>17</sup>

This hardly seems, therefore, to be a case which could or should be cited by the Executive in support of that branch's precedent argument. In this situation, the Senate, in effect, said: We censure you, Mr. Garland, because you have not given us the information we requested; we do not force you to give us the information, but this does not mean that we do not think we have the power to do so. Nor, by these resolutions, are we waiving such power.

These debates of 1886, consuming some 17 days, present additional information in support of the legislative branch's position and in rebuttal of the argument, based on precedent, advanced by the executive branch.

The novel arguments, supporting the position of the legislative branch, were mainly

the whole four. There is no mode of amending the series now. It is simply like dividing the vote on the passage of a bill into four parts, and when they are all passed upon you cannot move to amend the bill after it has been passed.

"The PRESIDENT pro tempore. The Chair is of opinion that in view of the notice given by the Senator from Alabama that he would offer an amendment, and the amendment having been sent to the desk, the question being raised as to whether he could or could not offer it, the resolution should be received.

"Mr. HOAR. To what is it an amendment? An amendment implies a pending question to be amended. The question is, Shall the bill pass? The question, shall it pass with a certain amendment, must be acted on before it is passed. But when a series of resolutions which are four distinct propositions are before the Senate and there is a demand that the question be divided, according to the usual parliamentary procedure the question is put on the passage of each separately, and when each separately has passed the matter is as much beyond the reach of amendment as a bill after it has passed. Giving a notice beforehand does not change the parliamentary law. The Senator should have made his motion as an amendment to the last resolution.

"The PRESIDENT pro tempore. In ordinary cases clearly the Senator from Massachusetts is right; but the Senator from Alabama sent an amendment that was then in order to the Chair, and the Chair was about to put the question upon it as an amendment when the Senator from Alabama gave notice to the Senate that he would offer it as an additional resolution. The Chair thinks under the circumstances that it is clearly his right to offer the amendment."

<sup>16</sup> The following definition of a "motion to lay on the table" is to be found in Cannon, Procedure in the House of Representatives (U.S. Government Printing Office, 1948) p. 415 and is equally applicable in regard to the Senate:

"The motion to lay on the table is used for final and summary disposition without debate, and to protect the House against business which it does not wish to consider, and while it is not a technical rejection, it is in effect an adverse disposition equivalent to rejection."

<sup>17</sup> 17 CONGRESSIONAL RECORD 2814 (1886).

of its absorption of the Tenn. Valley Coal and Iron Corp.; (10) the refusal of J. Edgar Hoover to testify as to certain matters, relating to the internal security and the activities at Pearl Harbor, at the direction of the Attorney General's executive assistant, during an investigation of the FCC. See also the Burke statement, supra note 5; Wilkinson, *Demands of Congressional Committees for Executive Papers*, 10 Fed. B.J. 107 (1949).

<sup>7</sup> 40 Op. Atty. Gen. 45 (1941).

<sup>8</sup> 17 CONGRESSIONAL RECORD 2211-2815 (1886).

<sup>9</sup> 94 CONGRESSIONAL RECORD 5704 (1948).



advanced by Senator Edmunds of Vermont, a member of the Republican Party and the chairman of the Senate Judiciary Committee during the 49th Congress, in the debate on the general subject of the relations between the Senate and executive departments.<sup>18</sup> The Senator's first argument was based on article II, section 3 of the Constitution of the United States. Article II, of course, deals with the powers of the Executive and section 3 specifically provides that the Chief Executive "shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."<sup>19</sup>

The Senator gave a broad definition to the term, "state of the Union", and argued that the Constitution commands the President in affirmative terms to give such information to the two Houses of Congress and that when the Constitution so refers to "state of the Union", it has reference to the "universal power of knowledge and information of the two Houses of Congress in respect to every operation of the Government of the United States and every one of its officers, foreign and domestic."<sup>20</sup>

The Senator continued in the following words:

"That is the state of the Union. The state of the Union is made up of every drop in the bucket of the execution of every law and the performance of the duties of every office under the law, either within its borders or out of it. There is no one mass, no one cue, or quantity, or subject that makes up the state of the Union, as every gentleman—and there are a good many here who have been Members of the House of Representatives, when they go into the Committee of the Whole on the State of the Union—knows. It is the condition of the Government and every part of it, not only its legislative part about which the President of the United States could communicate no information without impertinence, for the Constitution has declared that the two Houses are to regulate themselves, but he is to give to Congress, as a positive command, from time to time, information on the state of the Union; and that is because they are entitled to have it, and they are entitled to have it every time they call for it, and he violates a positive command of the Constitution when on a constitutional call and in a regular way by either House he omits to do it."<sup>21</sup>

For this reason, Edmunds continued, from our earliest Congresses, the Chief Executive has been given much leeway by the legislative branch in determining whether the public interest would be preserved or injured by forwarding certain information to the Congress or to a committee of the Congress. This was particularly true where undue and premature disclosures of confidential fact would be involved in forwarding the information to a committee, even though the committee was entitled to have such information. Following the line of reasoning above outlined, however, this Republican leader reached the conclusion that either House of Congress had a "right to know everything that is in the executive departments of the Government."<sup>22</sup>

From his research, the Senator stated that this was the first instance in 40 years in which either House had failed "on its call to get information that it has asked for from the public departments of the Government."<sup>23</sup> In all the history of our coun-

try, up to his era, declared the Senator, there had been few instances in which there was evinced the slightest reluctance on the part of either the executive or the departments to respond to calls of either House or of their committees for papers in the possession of the former.

"Sometimes in a case of political fever, as it might be called, they have evinced, wide years apart, a reluctance and a hesitation on the part of the executive or of the heads of departments to do this thing; and then, that storm being over, the orderly administration of constitutional Government went on as before, and either House of Congress on its request or demand, as the case might be, and the committees of either House of Congress acting without a direct and positive authority to send for persons and papers, have always obtained from the departments on their mere request everything that either House or its committees thought necessary for the proper discharge of their duties."<sup>24</sup>

The Senator from Vermont continued his attack on the position of the minority of the committee, who had cited a few incidents in which the executive department refused to furnish papers or information to one of the Houses of Congress. He pointed to the numerous occasions on which Presidents actually furnished such information to congressional committees even on subjects which were, indeed, more confidential than the subject then under consideration, and some of which were as confidential as the information which Washington refused to furnish concerning Jay's treaty.<sup>25</sup> His argument, supported by these numerous citations, is that the Presidents realize their responsibility to submit information to the Congress, whether based on the "state of the Union" requirement or otherwise; and that when Presidents refuse to furnish such information, they do so not on constitutional but on purely political grounds.

The willingness displayed by the executive branch in furnishing information to the various committees and to the respective Houses of Congress, in the period prior to Cleveland's first administration, is best observed by a perusal of some of the examples cited by Senator Edmunds in his argument on the opening day of this debate in the Senate on March 8, 1886. The wide range of subjects involved in the submissions of information through the years is also worthy of notice.<sup>26</sup>

In executive session on March 3, 1806, the President was requested to report all documents and papers relative to the interference of the American Minister at Paris in the case of the ship *New Jersey*. The President furnished this information although there was no question then pending in the Senate regarding either the ship *New Jersey* or the American Minister at Paris.<sup>27</sup>

The President was requested by the Senate on June 2, 1813, to inform the Senate, and the Senate was so informed by the Chief Executive, whether any communications had been received from one Russell, an agent of the United States, admitting or denying the declaration of the Duke of Bassano, as to the repeal of the Berlin and Milan decrees. With respect to this Senator Edmunds said:

"It has been stated that an agent of the United States had got (sic) that information and had given it away in an improper manner; but the detail it is quite unnecessary now to go into; \* \* \* in order, I repeat, to keep itself acquainted with the state of the Union and the executive affairs of this Government and the conduct of all its agents,

proceeded to call for this information, and got it as a matter of course. It was not exercising a jurisdiction to confirm or reject Russell for anything, or to ratify or reject a treaty. It was getting information in a general way for its general purposes in the exercise of its general duty."<sup>28</sup>

The Senate Committee on the Judiciary was instructed on March 13, 1822, to procure from the Secretary of State a letter written by a Mr. Jennings of the State of Indiana, recommending one Dewey for appointment as U.S. Attorney for Indiana. The Senator indicated that the resolution instructing the committee to obtain this paper implied that the power to secure the same extended to a private paper, so far as such a paper can be a private paper, and described the document in question as being a letter that the Senate had reason to believe was in the files of our Department of State. The paper was turned over to the committee without objection.<sup>29</sup>

The Secretary of War was directed by the Senate on October 30, 1828, to furnish copies of the reports of the Inspector General of the Army of the United States, confidential as well as others, including the details of all statements and instructions. This order, the Senator informs us, was adopted in executive session and was complied with by the Secretary of War as a matter of course.<sup>30</sup>

The Senator similarly cited numerous other occasions on which the executive had without argument surrendered information to Congress.<sup>31</sup> But of all the cases amassed by the Senator from Vermont in this discussion, his last probably had the most telling effect. In March and April 1879 the Senate Judiciary Committee, controlled by a Democratic majority, had sought and received from the Attorney General, the same type of information which Cleveland and his Attorney General, Mr. Garland, were refusing to submit to the Republican controlled Senate Judiciary Committee in 1886. The information requested in 1879 concerned nominations for certain vacancies and also dealt with the propriety of the removal of one Michael Schaeffer, Chief Justice of the Supreme Court of the Territory of Utah and the appointment of David Corbin to that office. To cap the climax, Senator Edmunds gleefully noted that in 1879 some of the most famous Democrats of the era were on that Judiciary Committee, three of whom were presently members of Cleveland's Cabinet, and one of whom was the present Attorney General, Mr. Garland. The Democratic Senatorial Committee had asked for information and the Republican Executive had acceded to the request. Edmunds concluded his recitation of this incident with the following biting peroration:

"Alas, for the Democracy of those days. Think sir, of the infinite idiocy, unpatriotism, usurpation of that number of five Senators of the United States of the Democratic Party assailing a Republican Attorney General and a Republican President with the insulting and impertinent inquiry as to papers and information touching a man, to be removed whose successor was nominated to accomplish his removal. And yet those men were in their day and in those times among the headlights of the Democratic locomotives. There was Thurman—his light is put out—the greatest Democrat in the United States (applause in the galleries) and the best one, and the noblest one, and the bravest one, for he had the courage not long ago in your State, sir, to denounce the Democratic frauds on the ballot. There was Thur-

<sup>18</sup> Id. at 2211.

<sup>19</sup> U.S. Constitution, art. II, sec. 3.

<sup>20</sup> 17 CONGRESSIONAL RECORD 2215 (1886).

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Some of the occasions cited by Senator Edmunds are listed, *supra* note 6.

<sup>26</sup> 17 CONGRESSIONAL RECORD 2216 (1886).

<sup>27</sup> Ibid.

<sup>28</sup> 17 Cong. Rec. 2217 (1886).

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> 17 CONGRESSIONAL RECORD 2219-2220 (1886); Josephson, *The Politicos* (Harcourt Brace & Co., 1938) p. 100 et seq.



man, and there was Joe McDonald, a name familiar in the West as well as in the East as the embodiment of upright Democratic pluck and constitutional law; and there was Garland, whom we all knew here, the leader on the Democratic side of the Senate, and running over with constitutional and statute and reported law, knowing his rights as a Senator and as a member of the committee and knowing his duties; and Lamar, and then all the rest of us on this side, joining in what the present President of the United States calls an impertinent invasion of his rights in asking for information from him. Sir, if I was going to be rhetorical, I should say just here:

"O shame! Where is thy blush?"<sup>32</sup>

It is submitted that Mr. Edmunds presented well the answer of his era to the "precedent" argument of the executive branch. His answer is that there is no precedent for the statement that the executive branch may withhold information from the Congress and their committees of investigation, when the former branch feels that the submission of such information is for the public interest. He contends that, because of its responsibility to present to Congress information on the state of the Union and otherwise, the executive branch must comply with requests for information and documents from the legislative branch and its committees. He supports this proposition by examples of the continued adherence of the executive branch to this norm and he shows that refusals are usually based solely on political and party arguments.

The Republican House majority in the 80th Congress carried this argument one step further. They passed a resolution requiring the executive branch to furnish them with whatever information they requested. To understand the position of the Republican House of Representatives in the 80th Congress, it is necessary to examine the place of legislation they introduced, House Joint Resolution 342 of the 80th Congress, 2d session.<sup>33</sup>

The intent and purpose of this joint resolution of the House of Representatives, is best revealed by a study of its legislative history,<sup>34</sup> brief though it be, in comparison with that of many bills considered by Congress.<sup>35</sup> As is true with much controversial legislation, the emotional attitude of the House of Representatives, when considering this resolution, was not especially calm and tranquil.

Before proceeding any further, it should be emphasized that House Joint Resolution 342 was never enacted into law. The history of this resolution, in fact, may be stated in a very few words.

The resolution was introduced into the House of Representatives on March 5, 1948, was referred to the Committee on Expendi-

tures in the Executive Departments on that same date, and was favorably reported out of committee, without hearings, on March 22, 1948. Though accompanied by a majority report, included also was a stinging retort by the minority, and an answer to the minority report by the majority of the committee.<sup>36</sup> By special resolution,<sup>37</sup> House Joint Resolution 342 was taken up quickly on the floor of the House by the Committee of the Whole on the State of the Union,<sup>38</sup> was debated for 2 days, after which it was reported favorably by the Committee of the Whole to the House of Representatives and finally was passed by the House of Representatives on May 13, 1948. Referred to the Senate Committee on Expenditures in the Executive Departments on May 14, 1948, the resolution died there. The reason for the demise of the resolution in the Senate committee is quite apparent when one recalls that convention summer of 1948—the deliberate inactivity of a Republican Congress, endeavoring to obstruct the plans and hopes of the President, and his so-called must legislation—which the Senate refused even to consider.

As introduced, House Joint Resolution 342 was comparatively mild, its real teeth being inserted while it was in committee—though of course, the three section resolution, as originally introduced, was still highly unacceptable to the executive branch. It was provided that all executive departments and agencies of the Federal Government, the secretaries of the respective departments and agencies, and all persons acting under authority granted these agencies were authorized and directed to furnish the congressional committees any information, books, records, and memorandums in the Agency's possession that the respective committee might deem necessary for its investigation, provided that the request was made upon a majority vote of the members of the committee and provided that the request had the approval of the Speaker or the President pro tempore, depending whether it was committee of the House of Representatives or of the Senate. Under the resolution, the committee request would be accompanied by a certificate of the committee, signed by the committee clerk, attesting to the majority vote; and the approval of the Speaker or the President pro tempore was to be indicated by a letter over his signature. These provisions were found in section 1 of House Joint Resolution 342, the real core of the resolution as it was introduced.<sup>39</sup>

<sup>30</sup> H. Rept. 1595, pts. I and II, 80th Cong., 2d sess. (1948).

<sup>37</sup> H. Res. 575, 80th Cong., 2d sess. (1948).

<sup>38</sup> For information on the Committee of the Whole on the State of the Union, see Clarence Cannon, op. cit. supra note 16, at 95 et seq.

<sup>39</sup> H.J. Res. 342, 80th Cong., 2d sess., § 1 (1948), reads as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all executive departments and agencies of the Federal Government created by the Congress, and the Secretaries thereof, and all individuals acting under or by virtue of authority granted said departments and agencies, are, and each of them hereby is, authorized and directed to make available and to furnish to any and all of the standing, special, or select committees of the House of Representatives and the Senate, acting under the authority of any Federal statute, Senate or House resolution, joint or concurrent resolution, such information, books, records, and memorandums in the possession of or under the control of any of said departments, agencies, Secretaries, or individuals as may, by any of said committees, be deemed to be necessary to enable it to carry on the inves-

Under section 2 of this resolution, which was added in committee, when information, books, records, or memoranda were received from a governmental department or agency or from any administrative officer of such an agency, as a result of a request previously made under the first section of the resolution, the committee would immediately meet and determine, by majority vote, what, if any, part of such information should be made public and what part should be deemed to be confidential. If any part of that portion of such records declared confidential were divulged by a member of the committee or by any employee of the committee or any other individual obtaining knowledge of such information because of the disclosure of such information to the committee, any such offender would be liable to prosecution for having committed a misdemeanor and could be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding 1 year, or both, at the discretion of the court. In addition, if the offender was an employee of the United States, he would be dismissed from office or discharged from his employment.<sup>40</sup>

The chairman and the majority of the committee explained their position very fully and very well in the committee report,<sup>41</sup>

tigations, perform the duties, falling within its jurisdiction, when requested to do so: *Provided*, That said request shall be made only by a majority vote of all the members of the committee voting therefor at a formal meeting of the committee: *And provided further*, That if the committee be a committee created by the Senate, upon approval of the President or the President pro tempore of the Senate: *And provided further*, That if the committee making such request be a committee created by or acting under the authority of the House of Representatives, upon approval of the Speaker or Acting Speaker of the House of Representatives, such majority vote of the committee to be shown by a certificate of the chairman of the committee, countersigned by the clerk; the approval of the President or President pro tempore of the Senate or the Speaker or Acting Speaker of the House of Representatives to be shown by letter over his signature. Any officer or employee in any such executive department or agency who fails or refuses to comply with a request of any committee of the Congress made in accordance with the foregoing provisions of this section shall, upon conviction thereof, be punished by a fine not exceeding \$1,000 or by imprisonment for not exceeding one year, or both, at the discretion of the court."

<sup>40</sup> H.J. Res. 342, 80th Cong., 2d sess., par. 2 (1948), reads as follows:

"When, by virtue of section 1, any committee of the Congress shall have received information, books, records, or memoranda from any of the departments, agencies, Secretaries, or individuals in pursuance of a request made under the authority of said section, it shall forthwith, by majority vote of the membership of said committee, determine what, if any, part of such information shall be made public and what part shall be deemed to be confidential, and it shall thereafter be unlawful for any member of said committee or any employee thereof to divulge or to make known in any manner whatever not provided by law to any person any part of the information so disclosed to said committee and which has by said committee been declared to be confidential; and any offense against the foregoing provision shall be a misdemeanor and shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and, if the offender be an employee of the United States, he shall be dismissed from office or discharged from employment."

<sup>41</sup> H. Rept. No. 1595, pt. I, 80th Cong., 2d sess. (1948).

<sup>32</sup> 17 CONGRESSIONAL RECORD, 2221 (1886).

<sup>33</sup> H.J. Res. 342, 80th Cong., 2d sess. (1948).

<sup>34</sup> Cf. the following statements concerning a "joint resolution" to be found in Cannon, Procedure in the House of Representatives (U.S. Government Printing Office, 1948) p. 228:

"A joint resolution is a bill within the meaning of the rules and must be signed by the President, with the exception of proposed amendments to the Constitution.

"A joint resolution is the proper vehicle for authorization of invitations to foreign governments, correction of errors in bills which have gone to the President, enlargement of scope of inquiries provided by law, authorization of deviation from form prescribed by bills."

<sup>35</sup> See, for example, the two bound volumes, published by the National Labor Relations Board, which comprise the "Legislative History of the Labor-Management Relations Act of 1947," popularly called the Taft-Hartley law.



which accompanied the resolution, as reported to the Congress. The report stated that an executive branch had never denied information to Congress when the information would aid in the passage of legislation which the executive branch deemed beneficial or helpful to itself. In such instances, in fact, "the various departments of the Government, when favoring legislation proposed by the administration in power, have been quick to assert the right to have their representatives appear and testify before congressional committees."<sup>42</sup> It was only when opposing some action, thought to be contemplated by the Congress, that the President or his subordinates have challenged this right of Congress.

The majority indicated, however, that the policy of the Executive of denying information to congressional committees seemed to be widening in scope continually. Committees of both Houses of Congress were finding that their efforts to ascertain how money appropriated by Congress was being spent, how the laws were being interpreted and administered, or whether certain legislation was effective or ineffective, were being hindered or delayed by the refusal of various officials and departments of the executive branch to make available information sought by congressional committees. The report then proceeded to indicate instances where the various congressional committees were denied their requests for documents and testimony by agents of the executive branch. For instance, the Department of Justice had denied information concerning the parole of four members of the underworld, reputed to be remnants of the Capone gang; Dr. John Steelman, the assistant to the President, had, on the advice of the President, refused to testify before a subcommittee of the House Committee on Education and Labor on the manner in which the Taft-Hartley Act was being administered; the Civil Service Commission had refused to furnish a congressional committee with a so-called key loyalty list of governmental employees and this was followed some months later by the President's "loyalty order," by which the label of "confidential" was placed on all loyalty records; and finally—and perhaps most important of all—the Secretary of Commerce had refused to submit to the House Un-American Activities Committee the Federal Bureau of Investigation letter concerning Dr. Edward U. Condon.<sup>43</sup>

The majority of the committee presented the issue before the Congress and then proposed the remedy. They did not claim, they insisted, that the Congress had the right to challenge the actions of the executive or of the judiciary while the latter branches were acting within the scope of the authority given by the Constitution; those departments, they admitted, were created by the Constitution, and congressional power over them was limited to Congress power of removal from office through constitutional procedure. The majority contended, however, that, inasmuch as the Congress was charged with the authority to create, and it had created, various executive departments and agencies, and that since it was charged with the duty of appropriating funds and enacting legislation for the proper and effective activities of these agencies, it not only had the right but the duty to seek and obtain from every agency created by it and dependent upon congressional appropriations, all relevant information necessary to the enactment of proper legislation. Summing up, the majority stated the issue to be as follows:

"Shall the Congress insist that departments created by it, dependent upon its will for existence, give to its committees the in-

formation necessary to enable it to act intelligently and wisely, or shall it permit its creatures to arbitrarily determine what information the Congress shall or shall not have?"<sup>44</sup>

The majority concluded their report by submitting that the proper remedy seemed to be not special legislation enacted to meet a particular situation, but overall legislation by the Congress, which, subject to court decision, would settle the question as to the authority of the Congress to demand information from the executive departments. It was expressly denied that the Members of Congress were any less discreet or loyal than the heads of, or the subordinates in, the various executive departments. But the committee made it clear that they were placing the best possible safeguards around the receipt of confidential information from executive departments.

The minority report,<sup>45</sup> which was signed by six members of the minority on the committee, including the minority leader, Mr. McCORMACK of Massachusetts, as was to be expected, called for the defeat of this resolution. This report presented the usual arguments of the executive branch, which this writer has chosen to label as the "precedent" and "legal" arguments, and while not specifically citing the opinion of former Attorney General Jackson, paralleled its substance almost exactly.<sup>46</sup> Unlike their predecessors in the Senate during the first Cleveland administration, however, the members of the minority did not admit, though discussing the same basic issue, that they were involved in a purely political argument, but rather, kept their discussion on the lofty level of a pressing problem of constitutional law.<sup>47</sup>

The minority of the committee denied the assertion in the majority report that the refusal of information to congressional investigating committees had hindered these committees in carrying out their function. Returning to the "precedent" argument of the executive branch, the minority proposed

that "the short answer to this assertion is contained in the history \* \* \* of repeated Executive refusal to comply with such congressional demands ever since the time of President Washington."<sup>48</sup> In conclusion, the minority examined the instances cited in the majority report and in regard to each instance declared that the President or the particular executive department was justified in refusing to submit the information requested by the congressional committee.

Eight days after the minority report was submitted, the chairman of the House Committee on Expenditures in the Executive Departments, Mr. Clare Hoffman, submitted an "Answer to the Minority Report."<sup>49</sup> This document pointed out some prominent loopholes in the argument of the minority. It chided the minority report for its lack of judicial authority in support of the proposition denying the right of the Congress to subpoena witnesses who might be employed in the executive branch of the Government and from whom Congress, through its committees, desired to elicit testimony deemed necessary for the proper exercise of Congress legislative function. It was pointed out by the chairman, in his answer, for no other member joined with him in signing this document, that opinions of Presidents and presidential advisers would not bear much weight, since such authorities would, as a matter of course, deny the right of the legislative branch to infringe upon what the President considered his exclusive function. Opinions of the Attorney General merit most respectful consideration, Hoffman said, but they are not law. He denied that the President of the Senate, the Speaker of the House, a congressional committee, or a majority of a congressional committee had less discretion or patriotism than had the Executive or his advisers, particularly since, in his opinion, the State Department and the Department of Commerce had "their full quota of indiscreet individuals, as well as some who seem to be unaware we have potential enemies."<sup>50</sup>

The answer denied that it was the purpose of the resolution to lock these two branches of the Government in internecine warfare—only a distorted view of the resolution would give rise to such a statement. The present situation was deplorable if these two branches of the Government could not submit a difference of opinion to the third branch of the Government, the judiciary, in a constitutional manner for a constitutional decision. The argument that 79 Congresses have not seen fit to attempt such enforcement, so this Congress should not dare to do so was answered by the chairman in the following manner:

"The very fact—if it be a fact—that we are still or, if you prefer, again confronted by a great national crisis or emergency, upon the correct solution of which our future existence depends (and we might begin to inquire when one emergency ends, another begins, or whether emergencies are not now continuous), is a cogent reason why, before we proceed further along the unusual and uncharted and variable course mapped out by the Executive, we should obtain a final, judicial decision road-marking the proper course.

"The fact that 79 Congresses which have gone before us have not seen fit to attempt such enforcement is no reason for further delay. None of the preceding 79 Congresses ever was asked to burden the American taxpayer with the obligation of policing, educating, rehabilitating the whole world.

"If the executive departments and administrative agencies have authority to with-

<sup>44</sup> H. Rept. No. 1595, pt. I, 80th Cong., 2d sess. 4 (1948).

<sup>45</sup> Id. at 7.

<sup>46</sup> 40 Op. Atty. Gen. 45 (1941).

<sup>47</sup> Minority Leader McCORMACK particularly echoed this view which may be found in H. Rept. 1595, pt. I, 80th Cong., 2d sess. 10 (1948):

"The development of our constitutional history from the beginnings of this country, and the relative ease with which we as a nation have found ourselves able to work and run the Government within the concept of separation of powers which is embodied in our Constitution is a tribute not only to the Founding Fathers who wrote our Constitution but also to the statesmanship and good sense of the Presidents of the United States and the 79 Congresses which have gone before us whose duty it has been to work under that Constitution. We should respect and follow the statesmanlike and constitutional precedents which have become part of our heritage.

"Clearly this is not the time for the two branches of our Government to become locked in internecine warfare. Our Constitution is a great and mighty document. Its strength and vitality depends upon the statesmanship and good sense of those whose duty it is to operate under it. By ill-considered action, departing from the precedents of a century and a half, we may weaken our Constitution for all time. Passage of House Joint Resolution 342 would certainly be a step in this direction. There are too many other nations at this point in the world's history whose constitutional systems have been shaken and shattered. Let us not join them by taking such ill-considered action."

<sup>48</sup> Id. at 11.

<sup>49</sup> H. Rept. 1595, pt. II, 80th Cong., 2d sess. (1948).

<sup>50</sup> Id. at 3.

<sup>42</sup> Id. at 2.

<sup>43</sup> Id. at 3-4; see also minority report at 12.



hold some information from the Congress, do they not, by the same token, have power to withhold all information from Congress? If, when they cause bills to be introduced and insist they be heard in support thereof, should they not give to the Congress the information it seeks and needs? Should the departments be permitted to hide their errors and maladministration behind a cloak labeled 'confidential' and thus defeat a needed remedy?"<sup>51</sup>

Mr. HOFFMAN pointed out in detail the New Deal trend of issuing rules and regulations, in great numbers, by the executive departments. It reminded the dissenters of the minority that these agencies only possess this rule-making power under some act of Congress, conferring such authority on these rule-making agencies. Remembering this fact and guided by numerous decisions of the several Federal courts the answer reiterated that Congress had the power to require the Executive to submit the information it deemed necessary.<sup>52</sup>

The argument that congressional committees would abuse this power, if it were granted by the passage of this resolution, found its reply in the decision of the United States Supreme Court in the case of *McGrain v. Daugherty*,<sup>53</sup> wherein the Court made the following declaration:

"The contention is earnestly made on behalf of the witness that this power of inquiry, if sustained, may be abusively and oppressively exerted. If this be so, it affords no ground for denying the power. The same contention might be directed against the power to legislate, and of course would be unavailing. We must assume, for present purposes, that neither House will be disposed to exert the power beyond its proper bounds, or without due regard to the rights of witnesses."<sup>54</sup>

It should be remembered, however, in evaluating this case, that the Court was not speaking of a direct demand by the legislative on the Executive. Its authority as a precedent concerning any phase of the legislative power of inquiry over the Executive is consequently weakened.

In concluding, the answer to the minority report differentiated between the Executive Office and the executive departments. The Congress, it was admitted, had no jurisdiction over the Executive himself, when he acted within the limits of his constitutional power. The executive departments, however, were in an entirely different category, for they were created by an act of Congress and depend upon the Congress for their continued existence; "It is axiomatic that that which the Congress creates, it may destroy or regulate."<sup>55</sup> The conclusion of this "Answer to the Minority Report" was that judicial decisions, logic, and reason upheld the right of the Congress to the authority expressed in House Joint Resolution 342.<sup>56</sup>

Debate on the resolution, after the House had resolved itself into the Committee of the Whole House on the State of the Union, was both diverse and interesting.

Congressman HOFFMAN of Michigan, who was in charge of the legislation on the floor of the House, took pains to make clear to the House what the resolution did not do. He showed that the resolution in no way sought information from any individual holding an office created by the Constitution, that is from the President or from any member of the judiciary.<sup>57</sup>

Congressman McCORMACK, of Massachusetts, the minority leader, chided his colleagues of the majority, stating that this was the first time in the history of Congress that this endeavor to obtain information from the executive branch had ever been reported out by a committee and considered by either House in the form of a bill or resolution. But the majority was ready for Mr. McCORMACK's proposition, and they replied in the following fashion through their chairman:

"The opponents of this resolution argued that, inasmuch as 79 previous Congresses had not found this legislation to be necessary, this Congress should not adopt it. Seventy-nine Congresses never found the Marshall plan to be necessary. Seventy-nine Congresses never found it necessary to give to other nations more than \$80 billion. The statement that 79 Congresses never found legislation of this type necessary is no argument against the present need, for 79 Congresses never found executive departments so insistent in their refusal to deny to the Congress information which it needed and requested.

"Never, during the existence of 79 previous Congresses, has the Nation been confronted by a bureaucracy which was so egotistical, so arrogant, so defiant of the power of the Congress as that which challenged the authority of the 80th Congress."<sup>58</sup>

Mr. Graham, speaking for the majority, told his colleagues that they were considering "one of the most grave, one of the most serious, and one of the most far-reaching steps that any Congress of the United States will ever take,"<sup>59</sup> in this problem of the relations between the Congress and the executive branch. He exhorted the Members to pass this resolution, by all means since "this great sprawling bureaucracy with these tremendous grants of powers and the subordination which past executives have sought to bring about in lowering the dignity, honor, and position of the Congress, can no longer be tolerated."<sup>60</sup> He argued that the President should be told that he had gone so far and could go no further; then, the Supreme Court could pass on the whole matter and determine what the policy of the Government should be.<sup>61</sup> Congressman Graham was undoubtedly overflowing with zeal and fervor for the cause he was espousing, but the writer questions whether the Congressman actually meant that the Supreme Court should determine governmental policy.

Congressman MacKinnon, on the other hand, believed that too much emphasis was being placed on the question of confidential, secret or restricted information in the course of this debate. It was his feeling that too many of the governmental departments, save the Army, Navy, and Atomic Energy Commission, overclassified their documents and information. He claimed that the entire objective of these executive departments in so doing was to stop producing evidence on matters involving public business primarily because it would embarrass the administration. He continued:

"I have examined these claims of secrecy while I have been a Member of Congress. I

ran into similar claims when I served in the legislature of my own State for a number of years. I have never yet seen the claim of secrecy made that when the information was dragged out and given to the public there was any real merit to the claim. I have never yet seen one. There may be some that exist, but I will have to be shown. I have never seen a good excuse for secrecy and I will say further that the reasons I get down here from the Federal departments I consider far inferior to those I get back home. They are equally ingenious."<sup>62</sup>

Following these and other expressions of opinion, pro and con, as to the merits of this resolution, a group of amendments were introduced, in an endeavor to settle differences as to the contents thereof and in order to perfect the resolution.<sup>63</sup>

After sundry amendments had been accepted, the chairman of the Committee of the Whole House on the State of the Union reported the joint resolution back to the House of Representatives. The resolution was then ordered by the Speaker to be engrossed and read a third time.<sup>64</sup>

Congressman McCORMACK, then, made use of a procedural stratagem and offered a motion to recommit the resolution to the Committee on Expenditures in the Executive Departments. The motion to recommit was rejected by a vote of 217 yeas to 145 nays, with 69 Members not voting. The next and final action in the House on the joint resolution was "on the passage of the bill." The question was taken and there were recorded 219 votes in favor of the resolution, with 142 against and 70 Members not voting. In the end, then, the joint resolution was passed by the House by a substantial majority.<sup>65</sup>

One could, in fact, say that the majority is overwhelming, when the list of the Members "not voting" is examined. It is to be noted that, of the 70 Members not voting, 23 were Republicans and 25 were Dixiecrats. In a word, then, had this resolution passed the Senate and been vetoed by the President, an action certain to take place, there would have been a distinct possibility of overriding the veto. A party line vote, adding the 48 votes of the Dixiecrat-Republican abstainers to the admixture of 219 Members voting "yea," would result in 267 votes, which is very close to the number required to override a veto in the House of Representatives.

The resolution, as amended by the House of Representatives and as passed by that body on May 13, 1948, was referred to the Senate, read twice in that body, according to the normal procedure, and referred to the Senate Committee on Expenditures in the Executive Departments. There, with all the activities of the presidential election summer and with the special session of the Congress, which, by its inactivity, lived up to the presidential appellation of a "do-nothing" Congress, the joint resolution died. In fact, there was little probability of its being enacted, once it reached the House of Representatives as late as the middle of May in a presidential year. For, even though it passed the House of Representatives, there would have been a fair amount of debate in the upper body before passage, and following that, most assuredly, there would have been a presidential veto. Then, both Houses of the Congress would have been faced with the additional and time-consuming problem of marshalling forces to override the veto.

<sup>51</sup> *Ibid.*

<sup>52</sup> The report cites: *United States v. Josephson*, 165 F. 2d 82 (2d Cir 1947), certiorari denied, 333 U.S. 838 (1948); *Fields v. United States*, 164 F. 2d 97 (U.S. App. D.C. 1947), certiorari denied, 332 U.S. 851 (1948); *United States v. Dennis*, 72 F. Supp. 417 (D.D.C. 1947); *United States v. Bryan*, 72 F. Supp. 58, 61 (D.D.C. 1947); *Townsend v. United States*, 95 F. 2d 352 (U.S. App. D.C. (1938) *McGrain v. Daugherty*, 273 U.S. 135 (1927).

<sup>53</sup> 273 U.S. 135 (1927).

<sup>54</sup> *Id.* at 175.

<sup>55</sup> H. Rept. 1595, pt. II, 80th Cong., 2d sess, 6 (1948).

<sup>56</sup> *Id.* at 7.

<sup>57</sup> 94 CONGRESSIONAL RECORD 5704 (1948).

<sup>58</sup> *Id.* at 5708.

<sup>59</sup> *Id.* at 5721.

<sup>60</sup> *Id.* at 5722.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Id.* at 5728.

<sup>63</sup> These amendments are not discussed in the body of this article, since they are relatively unimportant and have little bearing to the main subject under discussion.

<sup>64</sup> CONGRESSIONAL RECORD 5820 (1948).

<sup>65</sup> *Ibid.*



In this struggle between the executive and legislative branches of our Government, the legislative history of the proposed joint resolution is quite important. In answer to the precedent argument of the executive branch, there has been presented in this article, thus far, the two-part reply of the legislative branch, the answer of the Senate during Cleveland's first term and the answer to the House of Representatives by this joint resolution during the 2d session of the 80th Congress. The joint resolution takes the legislative branch's answer a step further. The Senate, during Cleveland's first term, said that the precedent argument of the executive branch was not valid, since there was no actual precedent, the executive departments furnishing information to congressional committees willingly and without hesitation in a majority of instances. Refusal was made only where conflict existed between the two branches, more often based on political than on constitutional grounds. Going further, the argument of this Senate stated that, not only is there no precedent to prevent them from obtaining information from the executive branch, on the refusal of the latter branch, but that, in carrying out their function, they have the right to know anything and everything about the executive departments. This they considered particularly true, under the constitutional provision, requiring the President to submit information on the state of the Union.

The House of Representatives, in the 2d session of the 80th Congress, takes the further step of proposing that they have the right to pass legislation compelling submission of information and documents, as they require, under this right which allegedly has always belonged to the legislative branch.

One merely hazards a guess, under the makeup of our present Supreme Court, in submitting whether or not House Joint Resolution 342 would have been declared constitutional, if enacted into law and if brought up to our high court on a test case. When weighing the basic arguments of the executive branch, i.e., that there cannot and must not be an encroachment by one branch of the Government on another branch under our doctrine of separation of powers—and of the legislative, that the Congress must know of the operations of the executive branch in order to legislate properly and that there should be a spirit of cooperation between all branches of our Government—it is well to consider the language of the U.S. Supreme Court in the case of *O'Donoghue v. United States*.<sup>66</sup> This case was decided by a Supreme Court, which was probably closer to the present day Truman Court than to the Roosevelt Court. The Court there stated:

"If it be important thus to separate the several departments of Government and restrict them to the exercise of their appointed powers, it follows, as logical corollary, equally important, that each department should be kept completely independent of the others—Independent not in the sense that they shall not cooperate to the common end of carrying into effect the purposes of the Constitution."<sup>67</sup>

It is suggested that this language, which was quoted favorably by the court in *Humphrey's Executor v. United States*,<sup>68</sup> probably the latest decision on the removal of governmental officials by the President, is important to the argument of the legislative branch. It brings out the fact that, while it is true the governmental branches must maintain their separate entity, all branches are working for a common goal—the making of a better Government and the preservation of that Government. However, neither case

directly involves the exercise of the power of compulsion by the legislative.

In brief, it is submitted that a study of the debates during the Cleveland administration, of the legislative history of this resolution passed by the House of Representatives during the 80th Congress and of cases decided by the U.S. Supreme Court during the last 20 years show that the precedent argument of the executive branch is not as ironclad as one might be led to believe. While it is not the writer's function at this juncture to present the argument on the merits of the respective positions, it is submitted that a future Congress, facing a President who is a member of the opposing political party, may well make use of these two series of debates—one by a Republican Senate during Cleveland's administration and the other by a Republican Congress during Truman's first term—and may well find the means of forcing their will upon the executive branch, by the passage of legislation, similar to House Joint Resolution 342, 80th Congress, 2d session, 1948.

#### A CRITIQUE OF THE LEGAL ARGUMENT OF THE EXECUTIVE BRANCH

In order to ascertain just what is meant by the legal argument of the executive branch, it is necessary to examine two specific answers of executive departments to requests for information from committees of Congress.

In April of 1941, Robert H. Jackson, presently an Associate Justice of the Supreme Court, was Attorney General of the United States, a member of the Cabinet of the late President Roosevelt. On April 23, 1941, he had been requested by the Honorable CARL VINSON, chairman of the House Committee on Naval Affairs to furnish the committee with all Federal Bureau of Investigation reports since June 1939, together with all future reports, memorandums, and correspondence of the Federal Bureau of Investigation, or the Department of Justice, in connection with investigations made by that Department arising out of strikes, subversive activities in connection with labor disputes, or labor disturbances of any kind in industrial establishments which had naval contracts, either as prime contractors or subcontractors. Since the Attorney General and the Justice Department in general had received several requests for similar types of information, Jackson framed his answer to the committee in the manner of a governmental statement of policy, or in other words as a formal "Opinion of the Attorney General."<sup>69</sup>

The Attorney General restated the position of the Department of Justice that all investigative reports are confidential documents of the executive department of the Government, intended to aid the President in his duty of seeing that the laws of the land are faithfully executed, and that congressional or public access to them would not be in the public interest.<sup>70</sup> He further stated that disclosure of these reports could not do otherwise than prejudice law enforcement; that disclosure of the reports at that time would also prejudice the national defense and be of aid and comfort to the very subversive elements against which the Congress wished to protect the country; that disclosure of the reports would be of serious prejudice to the future usefulness of the Federal Bureau of Investigation; and that disclosure of information contained in the reports might also result in the grossest kind of injustice to innocent individuals.<sup>71</sup>

The lawyer of the Cabinet then restated that in refusing to submit the requested documents to the committee he was follow-

ing the "eminent examples" of a long line of predecessors, citing from letters of various Attorneys General of the United States to the various Houses of Congress;<sup>72</sup> in addition, he cited the usual examples of Presidential refusals and refusals of the executive branch.<sup>73</sup>

The important citation from this opinion of the Attorney General, in which we are most interested, is the statement made that "this discretion in the executive branch has been upheld and respected by the judiciary."<sup>74</sup> Continuing with this line of reasoning, Jackson further states:

"The courts have repeatedly held that they will not and cannot require the Executive to produce such papers when in the opinion of the Executive their production is contrary to the public interests. The courts have also held that the question whether the production of the papers would be against the public interest is one for the Executive and not for the courts to determine."<sup>75</sup>

In support of this statement, cases decided by the U.S. Supreme Court, the several Federal courts and certain State courts are cited. It is doubtful whether these cases are correctly cited and whether they would stand scrutiny when applied to the situation where Congress is requesting information from the Executive to aid in legislation and whether the courts would so hold, if a congressional committee attempted to force the production of such information and the case reached the courts, as the result of such forceful action.

Another Executive reply meriting consideration involved the Post Office Department. The answer of this Department differs in

<sup>72</sup> Attorney General Jackson cited the following opinions of his predecessors at 40 Op. Atty. Gen. 45, 47 (1941):

"Letter of Attorney General Knox to the Speaker of the House, dated April 27, 1904, declining to comply with a resolution of the House requesting the Attorney General to furnish the House with all papers and documents and other information concerning the investigation of the Northern Securities case.

"Letter of Attorney General Bonaparte to the Speaker of the House, dated April 13, 1908, declining to comply with a resolution of the House requesting the Attorney General to furnish to the House information concerning the investigation of certain corporations engaged in the manufacture of wood pulp and print paper.

"Letter of Attorney General Wickersham to the Speaker of the House, dated March 18, 1912, declining to comply with a resolution of the House directing the Attorney General to furnish to the House information concerning an investigation of the Smelter Trust.

"Letter of Attorney General McReynolds to the Secretary to the President, dated August 28, 1914, stating that it would be incompatible with the public interest to send to the Senate, in response to its resolution, reports made to the Attorney General by his associates regarding violations of law by the Standard Oil Co.

"Letter of Attorney General Gregory to the President of the Senate, dated February 23, 1915, declining to comply with a resolution of the Senate requesting the Attorney General to report to the Senate his findings and conclusions in the investigation of the smelting industry.

"Letter of Attorney General Sargent to the chairman of the House Judiciary Committee, dated June 8, 1926, declining to comply with his request to turn over to the committee all papers in the files of the Department relating to the merger of certain oil companies."

<sup>73</sup> Id. at 48-49.

<sup>74</sup> Id. at 49.

<sup>75</sup> Ibid.

<sup>66</sup> 289 U.S. 516 (1933).

<sup>67</sup> Id. at 530.

<sup>68</sup> 295 U.S. 602 (1935).

<sup>69</sup> 40 Op. Atty. Gen. 45 (1941).

<sup>70</sup> Id. at 46.

<sup>71</sup> Id. at 47.



form from the letter of the Attorney General, in that it was read to a committee of the 80th Congress as a statement of the Honorable Vincent C. Burke, the Acting Postmaster General. The form of this answer was, most naturally, different from Jackson's because the request for information did not come in the courteous form of a letter, as Jackson had received, but as a subpoena, commanding Burke to appear before a special subcommittee of the Senate Post Office and Civil Service Committee and to present investigative reports prepared for the Postmaster General by certain Post Office inspectors.

The committee took this action, based on a tip from a disgruntled former area inspector concerning the activities of the postmaster of the city of Detroit, Mich. Newspaper clippings, of some 11 years previous, were brought forth. The dissatisfied retired postal inspector testified at the hearing, that there were several investigations made of this particular post office, all indicating malfeasance and nonfeasance in office and that the Post Office Department in Washington had taken no action in this matter. He hinted that the reason for the inaction on the part of the Washington officials was because the postmaster had previously been chairman of the Democratic central committee in the greater Detroit area.<sup>76</sup>

In his statement, Burke discussed the functions of post office inspectors, showing that they are the special representatives of the Postmaster General and are charged with the investigations of post offices and all matters connected with the postal service. He indicated that inspection reports received from these officials are regarded as confidential documents and that the disclosure of their contents is forbidden, except as the Postmaster General, in his discretion, should otherwise direct. He then relied almost exclusively on the opinion of Attorney General Jackson for the remainder of his statement. In addition he pointed out that the disclosure of such information would hamper the inspection service, since it would be a breaking of faith with many people, who had made confidential statements to these inspectors, and would also cast aspersions on many innocent people, since statements received in investigations are often wrong and inspired by malicious or misinformed people. The Acting Postmaster General, then, cited the executive precedent, as appears in the Jackson opinion, and also the statement, with case citations, to which reference has been previously made.<sup>77</sup>

Numerous cases are cited in both of these answers of executive departments.<sup>78</sup>

<sup>76</sup> Hearings, Special Subcommittee of Senate Post Office and Civil Service Committee, May 20, 1948. Subcommittee composed of Senator Langer, of North Dakota, Senator Buck, of Delaware and Senator Chavez, of New Mexico.

<sup>77</sup> Statement of Vincent C. Burke, Acting Postmaster General, delivered before the Special Subcommittee of the Senate Post Office and Civil Service Committee on Thursday, May 20, 1948, pp. 3 ff.

<sup>78</sup> *Boske v. Comingore*, 177 U.S. 459 (1900); *In re Quarles & Butler*, 158 U.S. 532 (1895); *Vogel v. Gruaz*, 110 U.S. 311 (1884); *Kilbourn v. Thompson*, 103 U.S. 168 (1880); *Totten v. United States*, 93 U.S. 105 (1875); *Aaron Burr v. United States*, 4 Cranch 455 (U.S. 1807); *Marbury v. Madison*, 1 Cranch 137 (U.S. 1803); *Arnstein v. United States*, 296 Fed. 946 (D.C. Cir. 1924); *Elrod v. Moss*, 278 Fed. 123 (4th Cir. 1921); *In re Valecia Condensed Milk Co.*, 240 Fed. 310 (7th Cir. 1917); *In re Lamberton*, 124 Fed. 446 (W.D. Ark. 1903); *In re Huttman*, 70 Fed. 699 (D. Kan. 1895); *Appeal of Hartranft*, 85 Pa. 433 (1877); *Worthington v. Scribner*, 109 Mass. 487 (1872); *Gray v. Pentland*, 2 S. & R. 23 (Pa. 1815); *Thompson v. German Valley R.R.*, 22 N.J. Eq. 111 (1871).

Before discussing these cases, it is well to recall the proposition which the Attorney General and the Acting Postmaster General support in their respective documents, i.e., that the courts have held that they will not require the executive to produce such papers when the production of the same is contrary to the public interest, and that the executive shall determine whether or not the production of the papers would be or would not be in the public interest. Since both of the documents were addressed to Congress, we must naturally presume that the words of the Attorney General as to the production of the papers must mean the production of such papers to or for the use of congressional committees of investigation. It is submitted that an analysis of these cases fails to show that they so hold.

The two reports cite *Marbury v. Madison*,<sup>79</sup> a landmark case in the field of American constitutional law. For the purposes of the present topic, it is necessary to discuss only the facts of the case plus the quotation from the holding of the Court, cited in the opinion of Attorney General Jackson.

President Adams had appointed one William Marbury as a justice of the peace, prior to the assumption of the Presidency of Thomas Jefferson. However, the commission evidencing the appointment had not been issued to Marbury by John Marshall, the Secretary of State under President Adams. James Madison, who succeeded Marshall as Secretary of State, refused to issue the commission to Marbury. In the meantime, John Marshall had been appointed Chief Justice of the United States by President Adams and was called upon to decide this issue.

The Attorney General, Levi Lincoln, was summoned to appear before the Court, since certain facts relating to the commission had to be ascertained. Lincoln objected to answering the questions, since, as he pointed out, he found himself delicately situated between his duty to the Court and his duty to the executive department, having been Acting Secretary of State at the time when the transaction in question had taken place. It was Lincoln's feeling that he was not bound to answer concerning any facts which came officially to his knowledge while acting as Secretary of State.

The Court gave Lincoln time to consider what he should answer, but stressed that they had no doubt he ought to answer, since there was nothing confidential to be disclosed. Anything which was confidential or which had been communicated to him in confidence, he was not bound to disclose. After some thought, Lincoln agreed to answer all questions, with the exception of one, the inquiry as to what had been done with the commissions. He had no way of knowing that they had ever come to the possession of James Madison, nor could he shed any light on the question of whether they were in the Office of the Secretary of State, when Mr. Madison took over that Office.

The Court agreed that Lincoln did not have to say what had become of the commissions. The Court pointed out that:

"By the Constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience. To aid him in the performance of those duties, he is authorized to appoint certain officers, who act by his authority, and in conformity with his orders. In such cases, their acts are his acts; and whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists, and can exist, no power to control that discretion. The subjects are political:

They respect the Nation, not individual rights, and being entrusted to the Executive, the decision of the Executive is conclusive."<sup>80</sup>

Marshall showed that there existed an intimate political relation between the President and the heads of departments. Because of this relationship, any legal investigation of the acts of any of these officers was rendered peculiarly irksome, as well as delicate, and this aroused some hesitation about entering into such an investigation. He concluded that it was the province of his Court solely, "to decide on the rights of individuals, not to inquire how the Executive, or executive officers, perform duties in which they have a discretion. Questions in their nature political, or which are, by the Constitution and laws, submitted to the executive,"<sup>81</sup> could never be made in his Court.

The author would not dream of deprecating the decision of this first Chief Justice of our High Court. It should be noted, however, that this citation, considered so apt by Attorney General Jackson in his opinion, referred to an action brought before the Court by an individual citizen and concerned not in the least a situation where information is desired not in the interests of a private person but for the benefit of the Congress of the United States, which, though a different branch than the executive, is still a branch of our Government.

The case of *Totten, Administrator v. U.S.*<sup>82</sup> stands for the proposition that an action cannot be maintained against the Government in the Court of Claims for secret services rendered during most of the Civil War by a northern spy, based on a contract made between the spy and President Lincoln in 1861. Mr. Justice Field stating, as a general principle, that public policy forbids the maintenance of any suit in a court of justice, the trial of which would inevitably lead to the disclosure of matters which the law itself regards as confidential, and respecting which, it will not allow the confidence to be violated. But this case is far removed from a refusal by the executive branch to a request of a congressional committee. The *Totten* case involved a civil suit for damage and the so-called confidential information was refused when requested by the Court in this action.

The Court held in *In re Quarles & Butler*<sup>83</sup> that it is the right of every private citizen to inform a U.S. marshal or his deputy of a violation of the Internal Revenue laws, that this right is secured to a citizen by the Constitution and, accord-

<sup>80</sup> Id. at 165.

<sup>81</sup> Id. at 170. Rufus Choate, the famous American lawyer, stated as follows concerning Marshall's opinion:

"I do not know that I can point to one achievement in American statesmanship which can take rank for its consequences of good above that single decision of the Supreme Court which adjudged that an act of the legislature contrary to the Constitution is void, and that the judicial department is clothed with the power to ascertain the repugnancy and pronounce the legal conclusion. That the framers of the Constitution intended this to be so is certain; but to have asserted it against Congress and the Executive, to have vindicated it by that easy yet adamantine demonstration than which the reasonings of mathematics show nothing surer, to have inscribed this vast truth of conservatism upon the public mind, so that no demagogue not in the last stages of intoxication denies it—this is an achievement of statesmanship of which a thousand years may not exhaust or reveal all the good."

As quoted in John F. Dillon, "John Marshall Complete Constitutional Decisions" (Callaghan & Co., 1903) p. 38.

<sup>82</sup> 92 U.S. 105 (1875).

<sup>83</sup> 158 U.S. 532 (1895).

<sup>79</sup> 1 Cranch 137 (U.S. 1803).



ingly, that a conspiracy to injure, oppress, threaten, or intimidate the citizen in the free exercise or enjoyment of his right, or because of his having exercised it, is punishable under section 5508 of the Revised Statutes.<sup>84</sup> *Vogel v. Gruaz*<sup>85</sup> was a "privileged statement" case. The U.S. Supreme Court found that a communication made to a State's attorney in Illinois by a person who inquires of the attorney whether the facts communicated make out a case of larceny for a criminal prosecution, is an absolutely privileged communication, and cannot, in a suit against such a person to recover damages, be testified to by the State's attorney, even though there be evidence of the speaking of the same words to other persons than the attorney. Neither of these cases bear on our present problem. Nor does *Boske v. Comingore*<sup>86</sup> support the broad statement made in Attorney General Jackson's opinion, since an opinion of a court holding that certain records of a Government department are privileged, has little or no bearing on the scope of congressional investigatory authority.

Huttman<sup>87</sup> and Lamberton<sup>88</sup> concern matters which Internal Revenue officials are not compelled to relate in a court of law. Information of this nature is confidential and privileged and such officials cannot be compelled to reveal it. But, these cases arose where the information was demanded of the executive department in criminal proceedings in a court of law. These cases had nothing to do with demands made by congressional investigating committees and the courts said nothing in support of the refusal of executive agencies to submit information to such legislative committees. These cases, then, hardly seem germane to the question.

In another cited case the U.S. Court of Appeals for the Fourth Circuit found, *inter alia*, that a local sheriff, who testified that he communicated to the defendant prohibition officer that the plaintiff was transporting liquor, did not have to reveal the source of his information.<sup>89</sup> This scarcely is on all fours with the problem at hand.

In *Worthington v. Scribner*,<sup>90</sup> the Massachusetts high court held that, in an action for maliciously and falsely representing to the Treasury Department of the United States that the plaintiff in bringing books into the United States was intending to defraud the Revenue Bureau, the defendants could not be compelled to answer interrogatories filed by the plaintiff. This was another privileged communication case and the court held that the communications in question could not be disclosed, since the discovery of documents which are protected from disclosure upon grounds of public policy cannot be compelled, either by interrogatories or by a bill in equity.

Neither the *Worthington* case, *supra*, nor the *Valecia*,<sup>91</sup> *Arnstein*,<sup>92</sup> *Gray*,<sup>93</sup> and *Thompson*<sup>94</sup> cases support the proposition asserted by the Attorney General in his opinion. They stand for the proposition that certain matters, which are classified as privileged communications of one sort or another, need not be disclosed in a court of law. While these cases place limitations on the judiciary, since the requests or demands on

the executive were made as a result of civil or criminal litigation—they have no bearing on the question under discussion.

In the appeal of *Hartranft*<sup>95</sup> a grand jury had requested the court to hold the Governor of Pennsylvania in contempt because he refused to appear, though under subpoena, to testify concerning deaths in a Pennsylvania railroad strike. The court held that the Governor was the absolute judge of what official communications, to himself, or his department, might or might not be revealed, and he was the sole judge not only of what his official duties were, but also of the time when they should be performed. The nature of the request is similar to requests ordinarily made by the legislative upon the executive. But it must be noted that the request originally came from the grand jury on the theory that it would be an aid to a criminal prosecution. This is the proposition to which the decision of the court was necessarily addressed. The court's broad statement, as to the Governor's right to refuse disclosure of information, must be read in that context.

The Attorney General also cites the Aaron Burr treason trial<sup>96</sup> as supporting authority. Burr had applied, as will be recalled, for the issuance of a subpoena duces tecum upon President Jefferson. Marshall, the presiding judge, allowed the subpoena to issue. It directed the President to produce a letter which one General Wilkinson had sent to him. Burr filed an affidavit with the court, in which he alleged that this letter contained information, which would prove helpful to his defense. Marshall, in his opinion, stated that, under the Constitution and laws of the United States, the President was not exempt from the process of the court in a criminal trial, nevertheless, he also ruled that the President was free to keep from view those portions of the letter which the President deemed confidential in the public interest. To this end, the President alone was the judge of what was confidential.<sup>97</sup> This is perhaps the nearest thing to authority contained in the citations of the Attorney General. Its weaknesses are too apparent to merit discussion.

The Court, through Marshall, seems to state that it would not force official records and papers into public view by subpoena. What probably let the Court to its decision was the fact that the letter in question was not in the files of the War Department, or in any other department of the Government. The Court appears to have been largely influenced by Colonel Burr's argument that the President, who had publicly accused Burr of traitorous conduct, in a special message to the Congress, and had been primarily responsible for bringing him to trial, and for bringing the weight of the Government behind the prosecution, ought not, in fairness to an accused person on trial for his life, keep from him a private communication which the accused thought would help prove his innocence.<sup>98</sup>

A brief reading of these cases shows clearly that they do not stand for the proposition stated in the opinion of the Attorney General. Some of the cases give a general statement as to the theory of separation of powers, but the leading case<sup>99</sup> which does so has

been overruled by a group of more recent cases beginning over 20 years ago.<sup>1</sup>

The bulk of the cases cited by the Attorney General not only do not support his broad assertion, but instead are based on the point that the papers or testimony sought were privileged communications within the meaning of the law and hence inadmissible as evidence. In addition, the requests or demands on the Executive were a result of civil or criminal litigation. Whatever limits may be imposed on the judiciary in the conduct of civil and criminal litigation can have little bearing on the scope of congressional investigatory authority.

The fact that the opinion of the court in *Kilbourn v. Thompson*,<sup>2</sup> is outmoded is perceptible from the opinion of the Court of Appeals for the District of Columbia in *Townsend v. United States*,<sup>3</sup> where, concerning the scope of a congressional investigation, the court pointed out that a legislative purpose may be presumed and that the "power to conduct a hearing for legislative purposes is not to be measured by recommendations for legislation or their absence."<sup>4</sup> Again, in *United States v. Bryan*,<sup>5</sup> the District Court of the United States for the District of Columbia indicated that the collection of facts by a congressional investigating committee may cover a wide field and need not be limited to "securing information precisely and directly bearing on some proposed measure, the enactment of which is contemplated or considered."<sup>6</sup> The court found that the Congress could very well find it necessary and desirable, in order to act in an enlightened manner, to become acquainted not only with the precise topic "involved in prospective legislation, but also with all matters that may have an indirect bearing on the subject".<sup>7</sup>

In a decision rendered in 1946, the U.S. Supreme Court gave indication that it recognized that the limitations imposed upon the legislative power of inquiry by *Kilbourn v. Thompson*,<sup>8</sup> were not realistic. In that case, *Oklahoma Press Publishing Co. v. Walling*,<sup>9</sup> the Administrator of the Wage and Hour Division of the Department of Labor had issued and served on the Oklahoma company a subpoena directing the production by the company of certain of its records, including records which would indicate whether or not the company had a sufficient relationship to interstate commerce to bring it within the jurisdiction and coverage of the Fair Labor Standards Act. The company, in opposing the subpoena, contended *inter alia*, that at least probable cause for jurisdiction over it must be shown before it could be lawfully required by subpoena to produce its records. The Court rejected this contention of the appellant company, holding that probable cause for jurisdiction did not have to be shown in order to validate the subpoena—that the Administrator had jurisdiction to compel the production of documents in order that he might determine whether the facts showed that a case existed within the jurisdiction of the Fair Labor Standards Act.

The Court, then, proceeded to liken the powers of the Administrator, which were granted to him by the Congress, to the inquisitorial power of a grand jury or the discovery powers of a court of equity. In a foot-

<sup>84</sup> Rev. Stat. sec. 5508 (1875).

<sup>85</sup> 110 U.S. 311 (1884).

<sup>86</sup> 177 U.S. 459 (1900).

<sup>87</sup> 70 Fed. 699 (D. Kan. 1895).

<sup>88</sup> 124 Fed. 446 (W.D. Ark. 1903).

<sup>89</sup> 158 U.S. 532 (1895).

<sup>90</sup> 109 Mass. 487 (1872).

<sup>91</sup> 240 Fed. 310 (7th Cir. 1917).

<sup>92</sup> 296 Fed. 946 (D.C. Cir. 1927).

<sup>93</sup> 2 S. & R. 23 (Pa. 1815).

<sup>94</sup> 22 N.J. Eq. 111 (1871).

<sup>95</sup> 85 Pa. 433 (1877).

<sup>96</sup> 2 Robertson, Reports of the Trials of Colonel Aaron Burr (Hopkins and Earle, 1808) pp. 533-536.

<sup>97</sup> 1 Robertson, Reports of the Trials of Colonel Aaron Burr (Hopkins and Earle, 1808) pp. 177, 180, 187-188.

<sup>98</sup> Brown, "Executive Papers, the President and the Congress" (20 New York State Bar Association Bulletin 1948) p. 166, 171.

<sup>99</sup> *Kilbourn v. Thompson*, 103 U.S. 168 (1880).

<sup>1</sup> *McGrain v. Daugherty*, 273 U.S. 135 (1927).

<sup>2</sup> *Supra* note 99.

<sup>3</sup> 95 F. 2d 352 (D.C. Cir. 1938).

<sup>4</sup> *Id.* at 355.

<sup>5</sup> 72 F. Supp. 59 (D.D.C. 1947).

<sup>6</sup> *Id.* at 61.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Supra* note 99.

<sup>9</sup> 327 U.S. 186 (1946).



note to its opinion the Court stated that the investigating power of Congress, itself, was of the same character.<sup>10</sup> It seems reasonable to conclude that if Congress can vest in the Administrator of the Wage and Hour Division such a power of investigations (limited only by the broad grant of authority in section 11(a) of the Fair Labor Standards Act<sup>11</sup>) Congress itself may do the same in conducting its own investigations in aid of its own powers. From this, it seems reasonable to conclude further that the inquisitorial power of Congress extends to adducing facts which it can use as a basis for determining whether or not it has any power to legislate.

From the above, it can be seen that the Supreme Court is cognizant of the unrealistic qualities of the decision in the Kilbourn case and that this is not an appropriate case to cite in support of any point in the general subject matter of congressional investigations.

The distinction should be drawn, therefore, between information which an individual is demanding for his benefit in a civil or criminal trial and information which an investigating committee of the Congress should have in order to carry out the legislative intent of a statute or in order to aid it in its function of enacting appropriate and necessary legislation. There should, of course, be a spirit of cooperation between the executive and legislative branches when the information is to be given for a purpose good for the country as a whole. Furthermore, it seems reasonable to suppose that the framers of the Constitution wished to make that same spirit of cooperation a constitutional obligation incumbent upon the executive branch.

It is the feeling of the writer that should a case, perhaps through a contempt proceeding involving the head of an executive department or agency, reach the courts, credence would be given to the requirements of the legislative branch and that the cases cited in the opinion of Attorney General Jackson would not be deemed binding. Stated in another way, it is submitted that the aforementioned statement of the Attorney General falls and with it falls the second or legal argument of the executive branch.

#### CONCLUSION

In summary, the foregoing discussion holds that the "precedent" argument of the executive can be countered by precedents favorable to the legislative, about as numerous and strong as those of the executive branch. Even if the reader feels that the argument from precedent does not favor the legislative as much as it favors the executive branch, the claim of Congress that it has the constitutional power to create a precedent in its favor by enactment of appropriate legislation, has not been successfully countered by the executive. It is further submitted that the second or legal argument of the executive branch, generally accepted as true by the public and the press, is not supported by the authorities cited.

#### INTERNATIONAL DEVELOPMENT ADVISORY BOARD

Mr. WILEY. Mr. President, will the Senator yield so that I may ask a question of the chairman of the Appropriations Committee?

Mr. MORSE. I yield.

Mr. WILEY. I observe that the Appropriations Committee has restored \$200,000 of the funds asked for by the executive branch for expenses for the Department of State in connection with the mutual security program. As the

Senator knows, a small part of these expenses was justified by the executive branch as intended to cover the expenses of the International Development Advisory Board. This Board is provided for by the authorizing legislation and I believe many Senators look at it as I do as a valuable means by which the people responsible for administering this program may get the advice of highly qualified members of the public representing industry, labor, agriculture, education, science, and other major groups in our Nation. In addition, this is a valuable means by which private citizens and groups may present their views as to the administration of this program to the officials in charge. I simply want to be sure that there is no limitation on the use by the Department of State of these funds to provide the necessary small expenses for this highly competent and important Advisory Board.

Mr. HAYDEN. There is nothing in the bill which imposes such a limitation. The funds in question may be used for the expenses of this Board.

Mr. WILEY. I thank the Senator very much. The head of this Committee is Mr. Bullis, of Minneapolis.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MUSKIE in the Chair). Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I am informed that the very able junior Senator from New York [Mr. KEATING] wishes to make a statement at this time.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolutions of the Senate:

S. 2230. An act to amend the National Cultural Center Act;

S. 2445. An act authorizing the conferring of the degree of master of arts in education on certain students who enrolled in the District of Columbia Teachers College prior to July 1, 1958, and who, prior to July 1, 1961, are certified by the president and faculty of such college as having met all requirements for the granting of such degree;

S. 2517. An act to amend section 7 of the Federal Home Loan Bank Act, as amended; and

S.J. Res. 103. Joint resolution authorizing the National Geographic Society to erect a memorial on public grounds in the State of Virginia to honor Rear Admiral Richard E. Byrd.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6904) to establish an Advisory Commission on Intergovernmental Relations.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9035) to permit the issuance of series E and H U.S. savings bonds at interest rates above the existing maximum, to permit the Secretary of the Treasury to designate certain exchanges of Government securities to be made without recognition of gain or loss, and for other purposes.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H.R. 2302. An act for the relief of Agnes Lorraine Park;

H.R. 8582. An act to authorize the San Benito International Bridge Co. to construct, maintain, and operate a toll bridge across the Rio Grande near Los Indios, Tex.; and

H.R. 8694. An act to authorize the Starr-Camargo Bridge Co. to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Tex.

The message further announced that the House had severally agreed to the amendments of the Senate to the following bills and joint resolutions of the House:

H.R. 2449. An act to authorize the Secretary of the Army to lease a portion of Twin Cities Arsenal, Minn., to Independent School District No. 16, Minn.;

H.R. 3030. An act to amend the act entitled "An act to authorize the establishment of a band in the Metropolitan Police force" so as to provide retirement compensation for the present director of said band after 10 or more years of service, and for other purposes;

H.R. 3735. An act to make the Policemen's and Firemen's Retirement and Disability Act Amendments of 1957 applicable to retired former members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the White House Police force, and the U.S. Secret Service; and to their widows, widowers, and children;

H.R. 6190. An act to direct the Secretary of the Army to convey the Army and Navy General Hospital, Hot Springs, National Park, Ark., to the State of Arkansas, and for other purposes;

H.R. 7244. An act to promote and preserve local management of savings and loan associations by protecting them against encroachment by holding companies;

H.J. Res. 478. Joint resolution relating to permanent residence and deportation of certain aliens; and

H.J. Res. 479. Joint resolution relating to the entry of certain aliens.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 439. Concurrent resolution authorizing the Speaker of the House of Representatives and the President of the Senate to sign enrolled bills; and

H. Con. Res. 440. Concurrent resolution establishing that when the two Houses shall adjourn on Monday, September 14, 1959, they stand adjourned sine die.

The message further announced that the House had passed a joint resolution (H.J. Res. 531) establishing that the second regular session of the 86th Congress convene at noon on Wednesday, January 6, 1960, in which it requested the concurrence of the Senate.

<sup>10</sup> Id. at 216.

<sup>11</sup> 52 Stat. 1066 (1938), 29 U.S.C. § 211 (1946 ed.).



# ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H.R. 1435. An act conferring U.S. citizenship posthumously upon Gerardo Rafael Dobarganes y Torres;

H.R. 1701. An act for the relief of Mrs. Ellen Leschner;

H.R. 2077. An act for the relief of Bernard Barrett;

H.R. 3096. An act for the relief of Peony Park, Inc., and others;

H.R. 3180. An act to extend for an additional 3 years the time within which the State of Michigan may commence and complete the construction of certain projects heretofore authorized by the Congress;

H.R. 3410. An act for the relief of Mrs. Leonard O. Erickson;

H.R. 4821. An act to amend the act of August 12, 1955, Public Law 378, 84th Congress (69 Stat. 707), so as to provide additional relief for losses sustained in the Texas City disaster;

H.R. 4839. An act for the relief of Peter F. de Ullman;

H.R. 4894. An act for the relief of the Georgia Kaolin Co.;

H.R. 6405. An act for the relief of Vukasin Krtolica;

H.R. 6508. An act to grant minerals, including oil and gas, on certain lands in the Crow Indian Reservation, Mont., to certain Indians, and for other purposes;

H. R. 7518. An act for the relief of Rudolph Rozman;

H.R. 7550. An act for the relief of Vartanouché Kaifayan;

H.R. 7683. An act to provide that the tax exemption heretofore accorded the Veterans of Foreign Wars with respect to certain property in the District of Columbia, formerly owned by such organization but never used for its intended purpose, shall apply instead to other property subsequently acquired and used for that purpose;

H.R. 7870. An act to amend the Revised Organic Act of the Virgin Islands, as amended; and

H.J. Res. 477. Joint resolution relating to the exclusion of certain aliens.

## TRANSIT OF THE SUEZ CANAL AND LOANS TO THE UNITED ARAB REPUBLIC

Mr. KEATING. Mr. President, on July 3, 25 Members of the Senate sent to the President a telegram in which they explained their concern over the recent detention by the United Arab Republic of cargoes bound from Israel through the Suez Canal. They referred to previous correspondence on the subject. I was proud to be a signer of that letter.

On August 28 my distinguished colleague from New York [Mr. JAVITS], the distinguished Senator from Pennsylvania [Mr. SCOTT], and I joined in sending to the Secretary of State a letter in which we called attention to the fact that there was pending a loan by the International Bank for Reconstruction and Development; and we expressed the view that funds should not be advanced by the Bank to the United Arab Republic, for Suez Canal work without first having a guarantee of free transit through the canal.

We have just received from William B. Macomber, Jr., the Assistant Secretary of State, a most reassuring reply to our letter of August 28. I shall not read the entire letter into the RECORD; but the letter contains the following statement, among others:

You may be assured that we shall continue to avail ourselves of opportunities for setting forth our views in this regard in various appropriate international agencies, including the International Bank for Reconstruction and Development. With respect to the UAR application for a loan for canal development, you will no doubt have noted the bank's August 27 statement that, *inter alia*, "Neither the Bank nor the Board of Directors has made any decision on the loan."

The full text of this message from the Department of State is most gratifying. I am glad to note that we will continue to seek means for alleviating Egypt's unwarranted blockade which is in contravention of international law and which unfairly discriminates against the noble State of Israel.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a copy of the letter sent to the Secretary of State, and joined in by me with my distinguished colleagues, the senior Senator from New York [Mr. JAVITS] and the Senator from Pennsylvania [Mr. SCOTT]; and the reply received from Assistant Secretary of State Macomber.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 28, 1959.

Hon. CHRISTIAN A. HERTER,  
Secretary of State,  
Department of State,  
Washington, D.C.

DEAR MR. SECRETARY: Reference is made to the letter of July 3 from Assistant Secretary Macomber in response to the telegram sent by 25 Members of the Senate to the President on June 24, explaining concern over the recent detention by the United Arab Republic of their cargo bound from Israel through the Suez Canal. Mr. Macomber expressed the concern of the State Department regarding the Suez Canal situation and stressing the importance of resolving the problem satisfactorily. He added that the U.S. Executive Director of the International Bank for Reconstruction and Development is aware of developments in this matter and is also conversant with our longstanding policy in support of the principle of freedom of transit through the canal.

In the light of the above and the fact that the International Bank for Reconstruction and Development presently has under active consideration a loan to the Government of the United Arab Republic, we would appreciate your advice as to what is being done to obtain from the UAR firm assurances and guarantees of free transit through the canal. Needless to say we do not feel that money should be advanced by the IBRD to the UAR for the canal without at least these assurances in hand.

Respectfully,

JACOB K. JAVITS.  
KENNETH B. KEATING.  
HUGH SCOTT.

DEPARTMENT OF STATE,  
Washington, September 11, 1959.  
The Honorable KENNETH B. KEATING,  
U.S. Senate.

DEAR SENATOR KEATING: I have for reply your letter to Secretary Herter of August 28, 1959, signed also by Senators JAVITS and

SCOTT, in which you note that the International Bank for Reconstruction and Development has under consideration a loan to the United Arab Republic for improvement of the Suez Canal, and inquiring as to what is being done to obtain from the UAR assurances of free transit through the canal.

The Government of the United States firmly supports the principle of freedom of transit through the Suez Canal as an international waterway, and has made this position known repeatedly both in international forums and to the Government of the United Arab Republic. You may be assured that we shall continue to avail ourselves of opportunities for setting forth our views in this regard in various appropriate international agencies, including the International Bank for Reconstruction and Development. With respect to the UAR application for a loan for canal development, you will no doubt have noted the bank's August 27 statement that, *inter alia*, "Neither the bank nor the board of directors has made any decision on the loan."

We continue to support United Nations Secretary General Hammarskjöld in his current efforts to achieve a solution to the question of free transit of the canal, and we hope that, aided by the counsel of the United Nations and of other friendly countries, including the United States, progress toward a solution of the current problem of restrictions on such transit can be attained.

Thank you for your interest in this matter. If I can be of any additional assistance to you, please do not hesitate to communicate with me.

Sincerely yours,

WILLIAM B. MACOMBER, JR.  
Assistant Secretary.

## WE MUST TEACH ABOUT COM- MUNISM

Mr. KEATING. Mr. President, on a previous occasion I addressed the Senate on the need for a coordinated program of courses about communism in our schools and colleges. Today, in light of the announced exchange of visits by President Eisenhower and Mr. Khrushchev, I should like to reiterate that plea and to offer further commentary upon a situation which I believe merits our careful attention.

The Soviet offensive against our way of life has taken many forms; but, far from weakening our political and economic fabric, it has given us new strength and vigor. It has provided us with an opposing system which we can contrast with, and compare to our own. Through its maneuverings, we have come to value more highly our heritage of freedom, and have gained a desire to defend it in whatever ways may be necessary.

It is my conviction that we who represent the democratic ideology can be twice armed if we understand the tenets of communism, as well as those of democracy. Ignorance of our opponents could be the most fatal mistake of our time. Lack of comprehension about democracy could be equally disastrous. Unquestionably, then, our schools must teach about communism, while at the same time they strive to develop a fuller understanding of democracy.

During the past few years there have been ever-increasing opportunities for contacts between the people of Russia and the people of the United States.



- A. Similarities.
  - 1. Government controls.
  - 2. Attitude toward individuals.
  - 3. Absence of civil liberties.
  - 4. Imperialism.
  - 5. Attitude toward religion.
  - 6. Nationalism.
- B. Differences.
  - 1. Profit motive.
  - 2. "Humanitarian" appeal of communism.
  - 3. Absence of racist doctrine in early Communist development.
    - a. Cultural autonomy.
- VII. Moral issue of communism.
  - A. The end justifies the means.
  - B. The use of purges.
  - C. Opportunism.
- 1. Example: Hitler-Stalin pact.
- D. Instigation of world revolution.
  - 1. Roles of the Comintern and Cominform.
- VIII. Role of the Communist Party in the United States.
  - A. Differences from traditional political parties.
    - 1. Purposes.
    - 2. Structure.
    - 3. Functions.
  - B. Relations to the U.S.S.R.
  - C. Methods of dealing with the Communist Party.
  - D. Problems created by the Communist Party.
    - 1. The issue of civil liberties.
    - 2. The identification with liberal issues.
    - 3. The lumping together of all "left" groups.
- IX. Historical developments.
  - A. Soviet-western relations since 1917.
  - B. U.S.-U.S.S.R. relations since 1917.
  - C. Reasons for Communist expansion.
    - 1. In Europe.
    - 2. In Asia.
  - D. Current areas of tensions.
  - X. Current Communist aims.
    - A. Issue of self-protection versus capitalist world.
    - B. Soviet imperialism.
    - C. Communist ideologies.
- XI. Dictatorship and democracy.
  - A. The balance sheet.
    - 1. Human freedom versus state power.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I see the Senator from Virginia [Mr. ROBERTSON] on the floor and the chairman of the Committee on Appropriation [Mr. HAYDEN] on the floor. I understand that the Robertson amendment is acceptable to the chairman of the committee. If we can have a vote on that amendment, I would like to have that taken now.

Mr. DIRKSEN. Mr. President, I should like to say a word or two on the amendment.

Mr. JOHNSON of Texas. Mr. President, I withdraw my request for the moment.

I yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIRKSEN. Mr. President, I understand the chairman of the Appropriations Committee [Mr. HAYDEN] will accept the amendment and take it to conference. Certainly, I shall not resist that, but I believe there are one or

two observations that ought to be made for the purpose of the RECORD.

In the first place, the escape, if it can be called an escape, from the impact of this proposal is either for ICA to furnish the information or for the President to certify that to do so would not be in the public interest.

It certainly imposes an administrative burden. I sometimes believe we are a little careless about the type of burdens we impose. Among the words in the amendment are words such as "call for documents," "call for reports," and "call for communications." Now communications can be cablegrams, they can be letters, they can be interchanges between the heads of States that might be involved. In every case, of course, there has to be a determination as to whether or not disclosure of them would be in the public interest.

Then there is a residual clause. It says "or other material." That is a pretty expansive phrase. When one talks about data, records, statistics, reports, communications, and other material, I would say the request which might be made would make the sky the limit.

We ought to remember, also, who can request them. It states any authorized committee or subcommittee. The Foreign Relations Committee of the Senate would be authorized. Any subcommittee of the Senate Foreign Relations Committee would be authorized. The Foreign Affairs Committee of the House, or a subcommittee thereof, would be authorized. The Armed Services Committee, in my judgment, because of the military assistance involved, would be authorized. Likewise, the Armed Services Committee of the House would be authorized. The Appropriations Committee of the House would be authorized. The Appropriations Committee of the Senate would be authorized. The Government Operations Committee, under the rule, has the broadest kind of jurisdiction, and it has authority, in my judgment, to investigate in this field. That statement would apply to the comparable committee on the House side.

So there are eight committees and appropriate subcommittees that may call for data, statistics, reports, communications, or other material. Obviously, when that is applied to titles 2, 3, and 4, which relate to development loans, technical cooperation, and special assistance, that is a pretty big burden.

Finally comes the biggest burden of all. To have a certification of the President there is a requirement that he must certify that to disclose the information would not be in the public interest. When these requests go to the White House, that becomes a very, very considerable chore.

I think the language has been recast to come within what I regard the constitutional prerogatives of both the legislative branch and the executive branch, but I want the RECORD to show that here we are imposing a tremendous burden when we say to the Chief Executive, "You make a finding relating to a request of any one of the eight committees or subcommittees of the House and

Senate and the General Accounting Office as to whether complying with that request for documents, communications, or other material is in the public interest."

That goes pretty far. I think we might have contrived a little better language. Certainly, this is an improvement over the language in the bill in the first instance. My belief is that what was carried in the first place was very definitely an invasion of the prerogatives of the President of the United States, and could not constitutionally stand up.

So, with that much of a record, I shall be agreeable if the amendment goes to conference, and I honestly hope—and I express my hope to the very able Chairman of the Appropriations Committee—that this matter will receive fine scrutiny by the conference committee.

Mr. JAVITS. Mr. President, will the Senator yield to me at that point for just a moment? I, too, would like to state that I shall vote against the amendment, notwithstanding my great respect for my own committee chairman. The only reason I mention this is that it may have some influence upon the discussions at the conference. I believe it will be found that if this amendment is retained in the law it will be less possible to get what the committees wish to get in questioning Government witnesses. I think Government witnesses will more and more seek the refuge available under this procedure and be far less apt, in the give and take of getting information, at which the Congress is just as adept as the Executive, to give the information. A procedure is made available to them in which they can have ready recourse to refuse to give information, and leave the decision to the President.

Finally, it may result in making available information to people who are not very friendly to us, which might be disadvantageous to us. We know, as a matter of practice, that when one says "No" to a certain document, that answer is just as informative as if the document had been revealed. Therefore, I shall regretfully vote against the amendment.

Mr. HENNINGS subsequently said: Mr. President, I should like to say a few words, which have been better said by others, on the same subject, a subject about which I feel very strongly. At this time I should like to strongly support the amendment of the distinguished and learned junior Senator from Virginia [Mr. ROBERTSON] to House bill 8385, the mutual security appropriation bill.

As I stated before the Senate Appropriations Committee during its consideration of this bill, the work of the Constitutional Rights Subcommittee, of which I have the privilege of being chairman, has demonstrated conclusively that the so-called "Executive privilege" has been used on a number of occasions in recent years as authority to withhold information from Congress, and this use—perhaps I might better say misuse—of the so-called "Executive privilege" doctrine has been growing at an accelerating rate.

Apparently encouraged by the Attorney General, who has expounded a doc-



trine of "Executive privilege" without limitations, officials in the executive branch on almost every level of authority have invoked this so-called "Executive privilege" doctrine to withhold practically every type of information imaginable from the Congress.

One of the most recent instances in which the Attorney General's extreme doctrine on "Executive privilege" has been invoked and defended by an executive agency occurred when on May 5, 1959 the Acting Director of the International Cooperation Agency appeared before the Constitutional Rights Subcommittee, over which I happened to be presiding at the time, and undertook to explain why his agency refused to give certain evaluation reports requested by the General Accounting Office. The Acting Director of ICA took the position that despite the specific language of section 313 of the Budget and Accounting Act of 1921, providing that all departments shall furnish the Comptroller General such information as he may from time to time require of them, and specifically giving the Comptroller General and his assistants the right to have access to and examine any books, documents, papers, or records of such department, ICA did not have to furnish the General Accounting Office with the evaluation reports in question. He cited the Attorney General's so-called doctrine of "Executive privilege" as his authority for so defying the Congress.

In addition, he had the consummate effrontery—and his words and actions can only be described in this fashion—to say that if ICA really wanted to apply the "Executive privilege" doctrine, GAO would not see one single thing that might be demanded of him or his agency by that office.

Mr. President, as I have stated before, Congress cannot allow this position to stand unchallenged, and I wish to say that the distinguished junior Senator from Virginia, a man who is scholarly, and learned and who believes in the separation-of-powers doctrine, who believes in the three coordinate branches of our Government, has rendered to Congress and to this country a signal and outstanding service in offering this amendment. We are all greatly in his debt. The issue we face here is not whether the President's constitutional powers are being invaded or infringed, but how long we here in the Congress are going to permit our constitutional powers to be invaded, stripped, and usurped by this fallacious, nonsensical doctrine as expounded by the Attorney General.

Congress already has acted to resolve this issue by incorporating in the Mutual Security Act three provisions requiring the production of documents, records, reports and other information pertaining to the administration of foreign aid.

It might not be amiss to mention at this point that when we considered and adopted those provisions just a few weeks ago, none of us seemed to be bothered by questions about the constitutionality of our action. The reason for this was patently simple.

We were merely doing what constitutionally we had every right to do.

In furtherance of this action, the House of Representatives has incorporated in the mutual security appropriations bill, an amendment cutting off mutual security funds 20 days following any unfulfilled request by the General Accounting Office or appropriate congressional committees for documents and records pertaining to the administration of the mutual security program.

The purpose of this amendment was simple enough. It was to enforce and put into action and being what had already been done by Congress. Once these steps were taken, the Congress started down a path from which, as a practical matter, there should be no retreat. We should not budge an inch. For the Senate not to put teeth into the requirements of disclosure now contained in the Mutual Security Act, and to eliminate completely the enforcement amendment placed in the appropriations bill by the House of Representatives, will enable executive departments and agencies in the future to cite this failure to act as an endorsement by the Senate of the Attorney General's doctrine, and by the same token the ICA's interpretation of that doctrine. In other words, by backing down now, we not only will fail to act to preserve our constitutional legislative powers and duties, but we will supply would-be censors in the executive branch with additional authority for their wrongful acts so that they can tell us what we may see and what we may not see.

Of course I do not refer to matters affecting the national security, matters which are classified as top secret. That is not the question at all.

Mr. President, I do not speak lightly when I say that in my opinion the continuing and growing misuse of the so-called executive privilege doctrine represents one of the most serious constitutional issues this Nation now faces. If bit by bit the Congress allows the executive branch of our Government to have complete and unfettered control as to what information the Congress may receive about the operations of the executive branch, the carefully created and established balance of power among the three coordinate branches of our Government, as provided by the Constitution, will be destroyed, and we shall someday be faced with an executive branch utterly beyond control, without let, without hindrance. All they will have to do is say, "We invoke the executive privilege," a phrase which comes so easily and flits so very lightly upon their tongues.

Mr. President, I fully supported the amendment to the Mutual Security Appropriations Act made without a dissenting vote by the House of Representatives. However, since this provision was not included in the bill reported by the Senate Appropriations Committee, I strongly support the amendment offered by the learned and scholarly junior Senator from Virginia.

Mr. ROBERTSON. Mr. President, I wish to express my thanks to the senior

Senator from Missouri for his very fine contribution to the argument and for his compliment to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. ROBERTSON], for himself and the Senator from Louisiana [Mr. ELLENDER], and the Senator from Minnesota [Mr. HUMPHREY], as modified.

The amendment, as modified, was agreed to.

Mr. SALTONSTALL. Mr. President, I should like to ask the majority leader a question with relation to section 112, which was language offered by him and which has been incorporated in the bill. This section will assure that the Congress is kept fully and adequately informed of the manner in which the administration plans to use the funds provided by the Congress for the mutual security program. Section 112(a) provides that within 60 days following date of enactment of the Appropriation Act the President shall give the Appropriations Committees a report containing a full and complete revision of the data presented to such committees in justification of appropriations requested for the mutual security program for the fiscal year 1960. The section says that this report shall show any changes in such program approved subsequent to such presentation, including changes necessary to reflect actual appropriations for the program.

It is possible to interpret the requirements for a full and complete revision of the data presented to such committees in justification of the appropriations requested as calling for a revision of every page and every word presented to the committees. I am sure the Senator's amendment does not really intend any such exercise. It would seem to me that the purpose of the Senator's amendment is the entirely proper one of requiring the executive branch to inform the Congress how it intends to use the funds finally appropriated by the Congress. Do I understand correctly therefore that what the Senator's amendment is intended to do is to require the executive branch to make a report to the Congress within 60 days setting out plainly the revisions in the program levels which the executive branch plans in using the funds made available under the appropriation act as finally passed and the principal changes in each program as they are worked out by the executive branch, rather than every word and every page of the program justification?

I was asking that question of the majority leader. When that question was answered, with the courtesy of the Senator from New York, I was going to ask a question of the Senator from Virginia.

Mr. JOHNSON of Texas. As I understand the question of the Senator from Massachusetts, his understanding is correct. There is no desire on the committee's part to overwhelm the Congress with a lot of unnecessary, inconsequential detail. As we all know, after the appropriation bill is passed, the executive branch always revises the programs originally presented to the Con-



gress in the light of the appropriations we have passed.

Six to eight months will have elapsed since the programs were first presented to the budget, and they have gone through the House and the Senate, and lots of things are changed in that time. In addition, the programs have to be revised to reflect the funds actually appropriated. We fully recognize that it may not be possible or even desirable for the executive branch to reprogram all of the appropriated funds in detail within 60 days. However, by that time the executive branch certainly should have made decisions as to the major program elements. We want the Congress to be fully informed as to the changes that have been made. As additional details are worked out, I would expect them to be passed along to the Congress, so the Congress will always be kept currently and fully advised about the program.

Generally speaking, I would say, if I understand the statement made by the distinguished Senator from Massachusetts, his understanding of the purpose of the amendment is correct.

Mr. SALTONSTALL. I thank the Senator. Mr. President, I should like to ask the chairman of the Appropriations Committee a question with relation to section 111 of the bill, and if he agrees with me, I have a statement to make to the Senator from Virginia [Mr. ROBERTSON] who is interested in that section.

The reason for my question is that I would like to make a motion to strike out section 111.

Section 111 relates to an employee "who has left employment with International Cooperation Administration within 2 years from the date of employment with said person, organization, company, or concern or any of its affiliates."

I have talked with the Representative from Louisiana [Mr. PASSMAN], who managed this bill and he has agreed that the amendment goes much further than he believes it should go.

Under the language as it is included in this bill, an elevator boy, for example, who had been working for the ICA would be prevented from accepting employment specified in the amendment.

If the Senator from Arizona [Mr. HAYDEN] and the Senator from Virginia [Mr. ROBERTSON] agree, I should like to offer an amendment, and if the amendment is accepted, to strike out this language so the section will go to conference, and we can rewrite the section in conference in a way which will be agreeable to the House and to the Senate.

Mr. BYRD of Virginia. I think it is highly desirable that the entire paragraph go to conference.

Mr. ROBERTSON. Mr. President, the attention of the junior Senator from Virginia has been directed to the very restrictive provisions in the House bill which prohibited employment for a period of 2 years of anyone who had previously been employed by ICA and he, at the suggestion of the Director of the ICA, thought he would ease that restriction a bit by rewording of the language so that it would not apply to non-profit organizations. Now he under-

stands, in a way, the amendment makes the original one more difficult than ever.

Since the chairman of the House subcommittee who will handle this section in conference would prefer that we remove the House language completely and then to send it to a conference, the Senator from Virginia has no objection to the request of the Senator from Massachusetts to eliminate this section.

Mr. SALTONSTALL. I thank the Senator. I move to strike out Section 111.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. CLARK. I would like to express my concurrence in the views stated by the Senator from Massachusetts that this section is entirely too broad. It would be quite unworkable, and would be unfair to corporations dealing with the Government.

Mr. JOHNSON of Texas. Mr. President, the distinguished chairman of the Foreign Relations Committee assured me he would move to strike out section 111, and so I am glad the Senator from Massachusetts has made that motion.

Mr. SALTONSTALL. I should be glad to have the majority leader make the motion.

Mr. JOHNSON of Texas. I merely wanted the Senator from Massachusetts [Mr. SALTONSTALL] to know he was supported in his position by the Committee on Foreign Relations. He had intended to make that motion himself.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts to strike out section 111.

The motion was agreed to.

Mr. MUSKIE. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment submitted by the Senator from Maine will be stated.

The CHIEF CLERK. On page 19, after line 12, it is proposed to insert:

#### ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

For expenses necessary for the Advisory Commission on Intergovernmental Relations, \$100,000: *Provided*, That this appropriation shall be effective only upon the enactment into law of H.R. 6904.

Mr. HAYDEN. Mr. President, I have conferred with the members of the committee; and we accept the amendment.

Mr. MUSKIE. I thank the Senator from Arizona.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

#### ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS— CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6904) to establish an Advisory Commission on Intergovernmental Relations. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read, for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MUSKIE. Mr. President, the report is unanimous; it is signed by all the managers on the part of both the House and the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD, the statement, contained in the report of the managers on the part of the House explaining the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

(For statement by the managers on the part of the House, explaining the conference report, see House proceedings of today.)

Mr. KEATING. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I am happy to yield.

Mr. KEATING. Does the conference report call for a substantial change?

Mr. MUSKIE. The only change is in the county representation. The conference report calls for a decrease from four to three in the county representation provided in the Senate version of the bill; and the conference report calls for an increase from two to three in the county representation called for by the House version of the bill. In other words, the conference report provides for a compromise at three.

Mr. KEATING. I thank the Senator from Maine.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

Mr. MUSKIE. Mr. President, I move that the vote by which the report was agreed to be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

#### PREMIER KHRUSHCHEV'S VISIT

Mr. RANDOLPH. Mr. President, yesterday I mailed a letter to Premier Nikita Khrushchev. My message was one of, perhaps, hundreds which will be sent to Mr. Khrushchev following an invitation published in Parade magazine on last Sunday. Parade editors suggested that it would be appropriate for citizens of the United States to write to Mr. Khrushchev. Parade further indicated that the communications would be delivered to the Soviet spokesman at the Russian Embassy in Washington, D.C., shortly after his arrival in the National Capital.

Mr. President, I was so moved by the appealing article in the form of a letter to Mr. Khrushchev in Parade that I was impelled, because of the request and the manner in which it was couched, to comply with the proposal that men and women set down the thoughts they would voice to the Communist leader if



they were given the opportunity to talk with our guest.

With the indulgence of the Senate, I shall read approximately 200 words, the editors of *Parade* having indicated that the letters should be kept within that length:

U.S. SENATE,  
September 11, 1959.

Premier NIKITA KHRUSHCHEV,  
*Care of Parade,*  
New York, N.Y.

DEAR MR. KHRUSHCHEV: You have been asked to visit the United States so that you may learn the truth about life in our land. You have been urged to see the steel mills of Pittsburgh, the villages of New England, and the corn fields of Iowa. Our Secretary of Defense has invited you to inspect our missile bases—and one of our greatest poets has suggested that you visit Harvard University.

All of this, Mr. Khrushchev, is so that you may know the strength and variety of America. And yet, the final source of our strength is something you must arrive at by knowledge of the heart, not of the head. It is the same source of strength that sustained the millions of Europeans—many from Czarist Russia—in their journey across the Atlantic.

It is the belief in the dignity of men—not man as a cosmic abstraction—but men as living, breathing, loving individuals who know the meaning of joy and pain. It is the belief in freedom as the right to choose. It is the belief that free men can and will create a future of finer worth for the individual.

This is what we mean by freedom in America, Mr. Khrushchev. It is not perfect, and it is not complete. But neither is it merely capitalistic fiction, nor a bourgeois dream.

We know that we have work to do to make our ideals a reality for all of our citizens. But this we believe: as a free nation we will reserve the rights and responsibilities of free men and women—here and among our allies—to follow the path of their own choosing. Our path is still the one blazed by Walt Whitman when he declared, "Produce great persons, all else follows."

I hope, Mr. Khrushchev, that during your journey you will come to know the deep meaning this statement has for the free citizens of the United States.

Sincerely,

JENNINGS RANDOLPH.

Mr. President, we in West Virginia have a State motto: "Montani Semper Liberi—Mountaineers Are Always Free."

It is our feeling that the source of strength which comes from such a motto is not only symbolic of our own citizenry, within the State of West Virginia, but is a challenge providing for a sense of devotion to personal freedom in the United States.

Mr. President, on September 6 there was published in the *Washington Post* and *Times Herald* the Gallup poll results which indicate that citizens around the world approve of the visits between the President of the United States and the Premier of the Soviet Union. The poll was conducted not only by means of a sampling of the opinions of men and women in the United States, but also through a sampling of the opinions of people in 12 other countries of the earth. I ask unanimous consent that the article, with its comment and its compilation figures be printed at this point in the *RECORD*.

There being no objection, the article was ordered to be printed in the *RECORD*, as follows:

#### CITIZENS AROUND WORLD APPROVE BOTH VISITS (By George Gallup, director, American Institute of Public Opinion)

PRINCETON, N.J., September 5.—Despite criticism from certain U.S. officials, the forthcoming Eisenhower-Khrushchev exchange of visits meets with a resounding endorsement from citizens around the globe.

In Paris, New Delhi, West Berlin, New York, and other key cities of the non-Communist world the approval of both the Khrushchev and the Eisenhower visits averages over 70 percent.

And the man in the street in Moscow is just as enthusiastic as is his counterpart in the other major cities.

On few issues covered by the World Gallup Poll has such widespread international agreement been found.

Behind the overwhelming approval of the history-making venture in personal diplomacy are two important factors:

1. There is little fear evident in any of the world opinion centers included in the survey that such an exchange means any softening of basic U.S. attitudes toward communism. The prevailing interpretation put on the American decision by citizens around the world is that such a move is mainly an effort to reduce tensions.

2. Although few citizens in any of the major cities are hopeful of a great deal of progress toward easing tension, a considerable body of opinion holds that at least some steps in this direction may result from the exchange.

In only one nation did disapproval of the visit run higher than 20 percent. That came, interestingly enough, in the United States.

Here is how the views in the 13 nations—as reflected by interviews in major cities—line up on the Khrushchev visit to the United States:

|                                   | [Percent]    |                 |                 |
|-----------------------------------|--------------|-----------------|-----------------|
|                                   | Ap-<br>prove | Disap-<br>prove | No opin-<br>ion |
| Holland (The Hague).....          | 89           | 8               | 3               |
| West Germany (Berlin).....        | 84           | 6               | 10              |
| Canada (Toronto).....             | 78           | 10              | 12              |
| Italy (major cities).....         | 78           | 8               | 14              |
| Finland (Helsinki).....           | 77           | 1               | 22              |
| England (nationwide).....         | 76           | 7               | 17              |
| Uruguay (Montevideo).....         | 74           | 2               | 12              |
| France (Paris).....               | 74           | 4               | 22              |
| Greece (Athens).....              | 73           | 4               | 23              |
| Switzerland (Geneva).....         | 70           | 18              | 12              |
| Norway (Oslo).....                | 65           | 11              | 24              |
| United States (major cities)..... | 64           | 23              | 13              |
| India (New Delhi).....            | 44           | (1)             | 56              |

(1) Less than 1 percent.

And here are the views on the forthcoming visit of Mr. Eisenhower to the Soviet Union:

|                    | [Percent]    |                 |                 |
|--------------------|--------------|-----------------|-----------------|
|                    | Ap-<br>prove | Disap-<br>prove | No opin-<br>ion |
| Holland.....       | 89           | 7               | 4               |
| West Germany.....  | 88           | 5               | 7               |
| Canada.....        | 82           | 8               | 10              |
| Finland.....       | 79           | 1               | 20              |
| Italy.....         | 78           | 7               | 15              |
| England.....       | 76           | 6               | 18              |
| Uruguay.....       | 73           | 3               | 24              |
| France.....        | 73           | 5               | 22              |
| Greece.....        | 71           | 6               | 23              |
| Switzerland.....   | 71           | 18              | 11              |
| United States..... | 70           | 18              | 12              |
| Norway.....        | 66           | 11              | 23              |
| India.....         | 42           | 1               | 57              |

In this first sampling of public opinion in the Soviet capital ever made in conjunction with polling efforts in other nations, obviously the poll did not follow established scientific and objective procedures which characterize most survey efforts in other nations. Yet it is representative of many segments of Moscow society.

Mr. RANDOLPH. Mr. President, the *Spirit of Jefferson-Farmers Advocate*, an excellent newspaper published in Charlestown, Jefferson County, W. Va., set forth under the title "Visit by Mr. K" its major editorial in the issue dated September 10. I ask unanimous consent that the thoughtful observations be printed at this point in the *RECORD*, in connection with my remarks.

There being no objection, the editorial was ordered to be printed in the *RECORD*, as follows:

#### VISIT BY MR. K.

It seems to us that all the criticism of President Eisenhower for inviting Nikita Khrushchev is unwarranted. Quite contrary to what the critics of the visit are saying, no royal carpet is being rolled out. It would be well for the American people to put the visit in perspective: It represents a sincere attempt by an American President to in some way ease the international tension. There can be no harm in talking to Mr. Khrushchev. After all, whether we like it or not—and we don't—he is the spokesman for a world power that will not disappear in spite of all our wishing. It would be very nice indeed if Mr. Khrushchev and all he stands for would vanish, but unfortunately Russia is a fact and Mr. Khrushchev is a fact. The main argument against the visit is that it may serve to discourage the captive nations in their hope for eventual freedom. There is merit to this argument, but not sufficient merit to foreclose the hope that by negotiation another may be avoided.

We hope the President every success in his venture in personal diplomacy. The world is sick of worry and anxiety and the constant threat of war. If talks by President Eisenhower and Khrushchev can help to abate the tensions we are for them.

Mr. RANDOLPH. Mr. President, I realize that the forthcoming exchange of visits involves a certain amount of peril. But I also realize—and I state this with vigor and with conviction to my colleagues—that the exchange of visits carries with it significant promise. In this instance, I prefer to stand on the side of promise, rather than to kneel on the side of peril.

I am sure that the element of fear is engendered by the prospective visits between the leaders of the United States and the Soviet Union. Yet I wish very much to believe—and I so state—that in this effort there is also the substance of faith.

The path to peace is a continuing search. The overriding concern of unnumbered millions of humans calls for forbearance and forthrightness. But we must never cease in our quest.

Mr. President, again I express appreciation to my colleague, the Senator from New York [Mr. JAVITS], for yielding to me at this time for these observations.

Mr. JAVITS. I thank my colleague.

#### COMMITMENTS BY THE FEDERAL GOVERNMENT TO THE STATES IN CONNECTION WITH THE ROAD PROGRAM

Mr. GORE. Mr. President, I should like to read to the Senate a telegram I have received from Gov. Edmund G. Brown, of the State of California:



SACRAMENTO, CALIF., September 12, 1959.

Senator ALBERT GORE,  
Senate Office Building,  
Washington, D.C.:

Based on information from Bureau of Public Roads that no reimbursements could be made from trust fund after October this year, California has had to discontinue all contract advertisements for bid and award on highway work. Highway program is now slowing down very rapidly. Federal Highway Act of 1956 very definitely guaranteed that Congress would take necessary action to keep highway program going as set forth in that act. Any failure on the part of Congress to meet this obligation in full will put not only California but every other State in an untenable position. In my opinion it is absolutely essential that Congress should put forth every possible effort to see that the obligation of the 1956 pledge of Congress is fulfilled. California supports you in this endeavor. Senators KUCHEL and ENGLE being advised of this position.

EDMUND G. BROWN,  
Governor of California.

### MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related activities for the fiscal year ending June 30, 1960, and for other purposes.

Mr. HAYDEN. Mr. President, I call up my amendment which is at the desk which provides for an additional appropriation of \$323,629 for claims and judgments. After the Committee reported the bill to the Senate, a supplemental budget estimate for claims and judgments was received. My amendment will provide the funds necessary to pay these obligations.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out lines 17 to 25, inclusive, on page 22 and lines 1 to 8, inclusive, on page 23, and insert in lieu thereof the following:

#### CLAIMS FOR DAMAGES AND JUDGMENTS

For payment of claims for damages as settled and determined by departments and agencies in accord with law and judgments rendered against the United States by United States district courts and the United States Court of Claims, as set forth in Senate Documents Numbered 48 and 56, Eighty-sixth Congress, \$708,137, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN].

The amendment was agreed to.

Mr. JAVITS. Mr. President, I should like to get the attention of the senior Senator from Arizona, if I can.

I understand that the Appropriations Committee has recommended the restoration of funds asked by the executive branch for special assistance to the level of \$245 million. One of the uses for these special assistance funds proposed by the executive branch was to provide incentives for private investment. I wish to be sure that there is nothing in the action of the committee to prevent the use of these funds for this important purpose of encouraging greater investment by private enterprise for the development and progress of less developed nations.

Mr. President, I ask the distinguished chairman that question.

Mr. HAYDEN. There is nothing in the bill that can be construed as such a limitation if we wanted to make use of that program. There is no question about that.

Mr. JAVITS. Mr. President, I am very grateful to the chairman, because I think the extending of inducements to private investors for private investments, especially in the less developed areas where these particular funds would be used, would be most helpful. I think it is one of the most important efforts by which we can lift the burden of public investment by substituting private investment. I submit also a memorandum on this subject to be incorporated in my remarks.

Mr. President, I now call up my amendment designated "91059(D)" relating to the Hudson-Champlain Celebration Commission, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 20 after line 11, it is proposed to insert a new paragraph as follows:

#### HUDSON-CHAMPLAIN CELEBRATION COMMISSION

For an additional amount for salaries and expenses in connection with the work prescribed for the Hudson-Champlain Celebration Commission in the sum of \$35,000 to be disbursed in the same manner and for the same effect that funds have heretofore been disbursed.

The memorandum submitted by Mr. JAVITS is as follows:

The entire concept of the proposed funding arrangement specifically identifiable for encouraging conditions in the developing countries for private enterprise was to follow through on the principles of Section 413 of the Mutual Security Act.

The use of the \$5 million labeled "Investment Incentive Fund" within the Special Assistance category is essentially twofold: (a) to improve the climate and improve the institutional framework within developing countries for private productive investment—local and foreign.

This involves the use of funds to provide technical advice and training on the laws, credit facilities, government services and administration, market studies, and other elements affecting investment decisions. It is intended to give particular emphasis to the strengthening or creation of local institutions which are specifically designed to assist private investment. For example, a number of countries have expressed interest in establishing industrial development centers. These institutions are designed to furnish a broad range of technical and financial skills and advice needed in creating, expanding and operating business enter-

prises. The center which now exists in the Philippines has helped add over \$100 million to the annual industrial output of the country during the first 3 years of its operation. It has helped create almost 10,000 new jobs, plus a large volume of secondary employment. Local institutions of this kind not only serve as a major instrument for local private participation in the economic growth of the country, but also assist foreign investment through their work in improving the investment climate of these countries and in increasing the availability of the frequently indispensable local partners for foreign investors.

(b) To provide the information on specific areas of investment possibilities in the developing countries necessary for stimulating investor interest in relatively unfamiliar countries.

Recent responsible studies, such as the Straus report, indicate that there is an even greater shortage of specific well-planned industrial projects seeking to attract private capital than there is of capital itself. There is a basic need for a more active U.S. Government program to assist developing countries identify opportunities for private foreign investment. Funds to finance the surveys and investigations necessary to work up the whole range of technical and financial data required to make a project ready for private financing would be used from this program. As this information becomes available, it would be brought to the attention of American business through the channels of the Commerce Department and the Small Business Administration. This is particularly important if we are to encourage greater interest among medium and small size businesses in investing in the developing countries. Large firms are equipped with marketing and research staffs and have greater experience, financial resources, and contacts. This is not true of smaller companies. It is important to make every effort to utilize the experience of small and medium size businesses which might be more readily adaptable to many situations in the developing countries. It is significant that the Straus report (p. 27) recommended that special funds be reserved for financing surveys and investigation to encourage new ventures in less developed countries.

In brief, therefore, the program proposed is designed to facilitate greater access to private resources of capital and managerial know-how. It is not a program to subsidize private companies but rather to create the conditions and awareness which permit greater utilization of the private sector both in the developing country and in the United States in achieving the purposes of the Mutual Security Act.

Mr. HAYDEN. Mr. President, I am willing to take the amendment to conference.

Mr. JAVITS. Mr. President, I wish to say a word about the amendment for the information of the Senate. I am grateful to the Senator from Arizona for being willing to accept the amendment and take it to conference.

A tremendous celebration is now taking place in New York State.

The law with reference to this matter, which is now Public Law 85-614, provided an authorization of \$50,000 and that has been appropriated last year. This additional amount is being asked as needed now and we hope very much that the conferees will be agreeable to accepting it. It is very significant that far more than that amount is being spent by the State of New York and private sources. This request comes at the moment when Princess Beatrix is visiting the United States. But I did not wish even to ask the chairman of the com-



mittee to take the amendment to conference without disclosing to the Senate the facts of the authorizing legislation.

Nonetheless the amount is small; I hope the Senator from Arizona will take it to conference.

Mr. HAYDEN. I have no objection to taking the amendment to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment from the Senator from New York.

The amendment was agreed to.

Mr. KEATING. Mr. President, I also wish to express to the distinguished Senator from Arizona my gratitude for his willingness to take the amendment to conference. I realize that it is a rather unusual request. I am also very grateful to my colleague, the distinguished senior Senator from New York.

Mr. JAVITS. Mr. President, do I correctly understand that the amendment has been agreed to?

The PRESIDING OFFICER. It has been agreed to.

Mr. JAVITS. Mr. President, I now call up my amendment designated "9-11-59(A)" and ask that it be read.

The LEGISLATIVE CLERK. On page 2, it proposed to strike out line 19, and substitute therefor the following: "to remain available until expended, and to become available as follows: During the fiscal year 1960 \$590,000,000, and during the fiscal year 1961 \$500,000,000."

Mr. JAVITS. First, I should like to explain my amendment, so as to make clear that it does not call for an increase in the amount provided by this part of the bill.

I am endeavoring to provide an appropriation for 1961 for the Development Loan Fund.

It will be noted that the bill provides an appropriation of \$590 million for the fiscal year 1960. All my amendment seeks to have appropriated is \$500 million for 1961.

First, let me make clear that there is legislative authority for doing that. The Mutual Security Act provides more than adequate authorization for both the year 1960 and the year 1961.

In the second place, this amendment calls for complying with part of the request made by the administration to the Appropriations Committee, which request the Appropriations Committee has turned down.

Indeed, the committee report makes that very clear, and says in so many words that the committee turns down the request for an appropriation, for the year 1961, of \$500 million for the Development Loan Fund.

Let me refer my colleagues specifically to page 5 of the committee report:

The \$500 million requested to be appropriated now, to become available in fiscal 1961, has been denied.

Mr. President, why do I submit this amendment at a time when it seems very clear that Members are very anxious to hold down the appropriations, rather than to increase them?

I offer the amendment because it is very clear that by proceeding in this way, the appropriation need not be increased, but by using our heads we can help the foreign-aid program, without increasing the appropriation, and can

get other countries to help us with it, at one and the same time.

It seems to me that if we were to fail to take advantage of those opportunities—which will benefit us, without increasing the amount of the appropriation for the fiscal year 1960—we would be unwise indeed.

Mr. President, I am also moved to propose this amendment by virtue of that fact that when these mutual security appropriations come before us literally on the last day of the session, as they did last time, and as they are coming up this time almost on the last day of the session, there is a great tendency to rush them through and to more or less keep them as they are brought in by the Appropriations Committee, in the feeling that, "Well, it is too late to do anything about it." But it is by now clear the mutual security program is the single most important instrument of the United States in pursuance of its foreign policy and in its cold war struggle.

I believe it would be in derogation of my duty if, seeing a situation as clearly as I think I see this one, I failed to give the Senate an opportunity to express itself on this question and to agree with me, if it thinks one of the most persuasive reasons of all for providing some appropriation for the year 1961 for the Development Loan Fund is in order to bring the situation in line with action we have already taken in the authorization bill.

It will be recalled that in the authorization bill, which was passed through the Senate in July of this year, we provided, under section 413(d), which appears at page 6 of Public Law 86-108, for a study of methods by which the United States and other nations, including those which are parties to regional agreements for economic cooperation to which the United States is a party, or any of them, might best together formulate and effectuate programs of assistance to develop the economies of free nations so as to advance the principal purpose of this act as stated in section 2 thereof.

In colloquial language, what that means is that we are going out to try to make partnership agreements with especially the Western European industrial nations, in order to materially increase the amount which we can afford to deal with in our foreign-aid activities, and especially in foreign economic aid. It is a fact that there are countries in the world, for example the Federal Republic of Germany, which are very well able to join with the United States in partnership activities for foreign economic aid. This is a fact not only in terms of resources available; this is not even an untried field, because we have come to the rescue, in a very important way, within the last couple of years, of India and Turkey, in exactly the same consortiums, in cases involving the United Kingdom, in cases involving West Germany, in cases involving the World Bank, and also including India, for a contribution, and I think an extremely important one, from Japan.

This has been done, and in order to do it, and do it effectively, we cannot be on a 1-year basis in terms of foreign economic aid.

I point out that we cannot negotiate with Germany or Japan or any other country to do this kind of job in undeveloped areas on an ad hoc, one-shot basis, as was done in India and Turkey, but on a continuing basis. Unless we have some continuity in the contribution which we shall offer to them, it puts us in a position of having to make that kind of deal. It does not seem to make it feasible to our negotiators who are anxious to help lift the burden of foreign aid from us unless we have some appropriations which will make it possible at least for 1 year beyond the current year.

That is the basic reason for this amendment.

I point out also that when the President of the United States went abroad to Western Europe very recently on his trip, the President made a considerable point of the fact that he was going to seek cooperation from Western European countries in respect to foreign economic aid. That process has begun, with the exchange of visits between the President and Mr. Khrushchev, with the reports that will be made to other countries after the Khrushchev visit, with possibly summit conferences with heads of other countries. It seems to me we are shortsighted if, without increasing this year's appropriation, we do not at least put in the hands of our negotiators the tools that will do them the most good in an effort to get main partners in foreign aid.

It seems to me countries in Asia, Africa, and South America would cheer and applaud the fact that the Congress of the United States, without spending more money than it feels it should, at the same time is looking ahead to the effort to get more aid to them by means of the partnerships I have described.

It is very hard for me to understand why this request for the Development Loan Fund should have been turned down. It seems to me when we turn down requests of that kind we are not being wise about how the prestige, resources, and wealth of the United States can be employed. At the same time we do not seek greater current appropriations, which we fear very much in connection with the increase of our deficit. It seems to me by doing this we do more than appropriate more money, and yet we do not appropriate any more money at all.

Mr. President, I wish to give a few facts on where this Development Loan Fund stands and what kind of a job it has done and why it urgently needs this kind of approach.

There are now pending, as of June 30, 1959, loan applications which await approval and action by the Development Loan Fund \$1,514,630,000. That is the amount on hand after using up practically 100 percent of the money for loans which has been appropriated up to now.

Mr. President, I ask unanimous consent that there be incorporated in the RECORD as a part of my remarks a summary of the Development Loan Fund proposals and commitments by geographical area as of June 30, 1959.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:



## Summary of Development Loan Fund proposals and commitments, by geographical area (as of June 30, 1959)

|                                                          | Africa  | Europe  | Far East | Latin America | Near East | South Asia | Total     |
|----------------------------------------------------------|---------|---------|----------|---------------|-----------|------------|-----------|
| Charges against lending authority:                       |         |         |          |               |           |            |           |
| Loan and guarantee agreements signed.....                | 28,840  | 53,100  | 118,626  | 49,190        | 106,100   | 267,450    | 623,306   |
| Letters of advice issued.....                            | 1,300   | 9,000   | 33,050   | 15,600        | 21,800    | 32,550     | 113,300   |
| Other project commitments.....                           | 0       | 0       | 17,250   | 0             | 6,200     | 0          | 23,450    |
| Letters of advice pending.....                           | 10,700  | 16,200  | 9,300    | 1,000         | 38,300    | 0          | 75,500    |
| Total.....                                               | 40,840  | 78,300  | 178,226  | 65,790        | 172,400   | 300,000    | 835,556   |
| Percent of charges against lending authority.....        | 4.9     | 9.4     | 21.3     | 7.9           | 20.6      | 35.9       | 100.0     |
| Proposals under consideration and on hand (preliminary): |         |         |          |               |           |            |           |
| Status A.....                                            | 22,300  | 0       | 14,456   | 12,700        | 20        | 4,500      | 43,956    |
| Status B.....                                            | 41,634  | 17,734  | 104,084  | 22,922        | 148,430   | 41,382     | 376,186   |
| Status C.....                                            | 61,674  | 221,245 | 127,919  | 28,487        | 254,993   | 274,218    | 968,536   |
| Status N.....                                            | 365     | 0       | 19,200   | 7,587         | 71,000    | 27,800     | 125,952   |
| Total.....                                               | 125,973 | 238,979 | 255,659  | 71,696        | 474,423   | 347,900    | 1,514,630 |
| Percent of proposals on hand.....                        | 8.3     | 15.8    | 16.9     | 4.7           | 31.3      | 23.0       | 100.0     |
| Proposals no longer under consideration (preliminary):   |         |         |          |               |           |            |           |
| Inappropriate for Development Loan Fund financing.....   | 8,170   | 4,980   | 27,864   | 141,942       | 57,187    | 9,872      | 250,015   |
| Insufficient information or withdrawn by borrower.....   | 8,046   | 950     | 82,954   | 126,007       | 54,168    | 44,312     | 316,437   |
| Being considered by other lending institutions.....      | 19,870  | 64,805  | 132,444  | 93,298        | 61,615    | 2,283      | 374,315   |
| Total.....                                               | 36,086  | 70,735  | 243,262  | 361,247       | 172,970   | 56,467     | 940,767   |
| Percent of proposals no longer under consideration.....  | 3.8     | 7.5     | 25.9     | 38.4          | 18.4      | 6.0        | 100.0     |
| Total proposals (A+B+C).....                             | 202,899 | 388,014 | 677,147  | 498,733       | 819,793   | 704,367    | 3,290,953 |
| Percent of total.....                                    | 6.2     | 11.8    | 20.6     | 15.1          | 24.9      | 21.4       | 100.0     |

<sup>1</sup> Excludes status A and B items under Philippines project commitment.<sup>2</sup> Excludes status A and B items under Turkey project commitment.

## Summary of Development Loan Fund obligations and commitments (as of June 30, 1959)

[In thousands]

| Country          | Loan description                                     | Obligations <sup>1</sup>       |                                | Other loan authorizations and commitments as of June 30, 1959 |                               | Total obligations commitments and authorizations as of June 30, 1959 |
|------------------|------------------------------------------------------|--------------------------------|--------------------------------|---------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------|
|                  |                                                      | Cumulative as of Jan. 31, 1959 | Cumulative as of June 30, 1959 | Loan commitments <sup>2</sup>                                 | Loans authorized <sup>3</sup> |                                                                      |
|                  |                                                      | (1)                            | (2)                            | (3)                                                           | (4)                           | (5)                                                                  |
| Africa:          |                                                      |                                |                                |                                                               |                               |                                                                      |
| Ethiopia.....    | Cotton textile mill (SAIDE).....                     |                                |                                | \$500                                                         |                               | \$500                                                                |
| Liberia.....     | Sawmill expansion.....                               | \$190                          | \$190                          |                                                               |                               |                                                                      |
|                  | Telecommunications improvement.....                  | 3,000                          | 3,000                          |                                                               |                               |                                                                      |
|                  | Subtotal, Liberia.....                               | 3,190                          | 3,190                          |                                                               |                               | 3,190                                                                |
| Libya.....       | Tripoli electric power.....                          |                                | 5,000                          |                                                               |                               | 5,000                                                                |
| Nigeria.....     | Apapa Warehouse.....                                 |                                |                                | 800                                                           |                               | 800                                                                  |
| Nyasaland.....   | Nyasaland and Trans-Zambesia Rys. <sup>4</sup> ..... |                                |                                |                                                               | \$10,700                      | 10,700                                                               |
| Somalia.....     | Credito Somalo (agricultural lending).....           |                                | 2,000                          |                                                               |                               | 2,000                                                                |
| Sudan.....       | Cotton textile mill.....                             |                                | 10,000                         |                                                               |                               | 10,000                                                               |
| Tunisia.....     | National Railroad (rolling stock).....               |                                | 2,400                          |                                                               |                               |                                                                      |
|                  | Esparto pulp factory.....                            |                                | 6,250                          |                                                               |                               |                                                                      |
|                  | Subtotal, Tunisia.....                               |                                | 8,650                          |                                                               |                               | 8,650                                                                |
|                  | Total, Africa.....                                   | 3,190                          | 28,840                         | 1,300                                                         | 10,700                        | 40,840                                                               |
| Europe:          |                                                      |                                |                                |                                                               |                               |                                                                      |
| Netherlands..... | Resettlement of emigrants in Australia.....          | 3,000                          | 3,000                          |                                                               |                               | 3,000                                                                |
| Spain.....       | Irrigation (earthmoving equipment).....              |                                | 7,700                          |                                                               |                               |                                                                      |
|                  | General Electrica Espanola.....                      |                                | 14,900                         |                                                               | 1,200                         |                                                                      |
|                  | RENFE, railway track rehabilitation.....             |                                |                                |                                                               |                               |                                                                      |
|                  | Subtotal, Spain.....                                 |                                | 22,600                         |                                                               | 1,200                         | 23,800                                                               |
| Yugoslavia.....  | Nitrogen fertilizer plant.....                       | 22,500                         | 22,500                         |                                                               |                               |                                                                      |
|                  | Diesel locomotives.....                              |                                | 5,000                          |                                                               |                               |                                                                      |
|                  | Kosovo thermal electric power.....                   |                                |                                | 9,000                                                         |                               |                                                                      |
|                  | Trebinjica Hydroelectric, stage 1.....               |                                |                                |                                                               | 15,000                        |                                                                      |
|                  | Subtotal, Yugoslavia.....                            | 22,500                         | 27,500                         | 9,000                                                         | 15,000                        | 51,500                                                               |
|                  | Total, Europe.....                                   | 25,500                         | 53,100                         | 9,000                                                         | 16,200                        | 78,300                                                               |
| Far East:        |                                                      |                                |                                |                                                               |                               |                                                                      |
| Indonesia.....   | Railway rehabilitation.....                          |                                | 3,000                          |                                                               |                               |                                                                      |
|                  | Harbor rehabilitation.....                           |                                | 6,000                          |                                                               |                               |                                                                      |
|                  | Subtotal, Indonesia.....                             |                                | 9,000                          |                                                               |                               | 9,000                                                                |
| Korea.....       | Tong Yang Cement Plant.....                          | 2,140                          | 2,140                          |                                                               |                               |                                                                      |
|                  | Chung Ju Power, design engineering.....              |                                | 1,500                          |                                                               |                               |                                                                      |
|                  | Telecommunications improvement.....                  |                                | 3,500                          |                                                               |                               |                                                                      |
|                  | Korea Reconstruction Bank.....                       |                                |                                | 5,000                                                         |                               |                                                                      |
|                  | Oriental Chemical Industry Co., Ltd.....             |                                |                                |                                                               | 5,600                         |                                                                      |
|                  | Subtotal, Korea.....                                 | 2,140                          | 7,140                          | 5,000                                                         | 5,600                         | 17,740                                                               |

Footnotes at end of table.

## Summary of Development Loan Fund obligations and commitments (as of June 30, 1959)—Continued

[In thousands]

| Country            | Loan description                                                                 | Obligations <sup>1</sup>       |                                | Other loan authorizations and commitments as of June 30, 1959 |                               | Total obligations commitments and authorizations as of June 30, 1959<br>(2)+(3)+(4) |
|--------------------|----------------------------------------------------------------------------------|--------------------------------|--------------------------------|---------------------------------------------------------------|-------------------------------|-------------------------------------------------------------------------------------|
|                    |                                                                                  | Cumulative as of Jan. 31, 1959 | Cumulative as of June 30, 1959 | Loan commitments <sup>2</sup>                                 | Loans authorized <sup>3</sup> |                                                                                     |
|                    |                                                                                  | (1)                            | (2)                            | (3)                                                           | (4)                           | (5)                                                                                 |
| Far East—Continued |                                                                                  |                                |                                |                                                               |                               |                                                                                     |
| Malaya.....        | North Klang Straits, port development.....                                       |                                | \$10,000                       |                                                               |                               |                                                                                     |
|                    | Road and bridge construction.....                                                |                                | 10,000                         |                                                               |                               |                                                                                     |
|                    | Subtotal, Malaya.....                                                            |                                | 20,000                         |                                                               |                               | \$20,000                                                                            |
| Philippines.....   | Small industry loan fund.....                                                    |                                | 5,000                          |                                                               |                               |                                                                                     |
|                    | Roads, bridges and rehabilitation of public works equipment.....                 |                                | 18,750                         |                                                               |                               |                                                                                     |
|                    | Bataan pulp and paper mill.....                                                  |                                |                                | \$5,300                                                       |                               |                                                                                     |
|                    | Mindanao Portland Cement Corp.....                                               |                                |                                |                                                               | \$3,700                       |                                                                                     |
|                    | Development projects <sup>4</sup> .....                                          |                                |                                | 17,250                                                        |                               |                                                                                     |
|                    | Subtotal, Philippines.....                                                       |                                | 23,750                         | 22,550                                                        | 3,700                         | 50,000                                                                              |
| Taiwan.....        | Railway modernization.....                                                       | \$3,200                        | 3,200                          |                                                               |                               |                                                                                     |
|                    | Shihmen multipurpose dam.....                                                    | 21,500                         | 21,500                         |                                                               |                               |                                                                                     |
|                    | Improvement of fishing industry equipment.....                                   |                                | 688                            |                                                               |                               |                                                                                     |
|                    | Cement plant.....                                                                | 2,750                          | 2,750                          |                                                               |                               |                                                                                     |
|                    | Ingalls-Taiwan Shipbuilding <sup>5</sup> .....                                   | 6,500                          | 6,500                          |                                                               |                               |                                                                                     |
|                    | Byproduct coke oven.....                                                         |                                | 1,000                          |                                                               |                               |                                                                                     |
|                    | Aluminum Corp.....                                                               |                                | 1,350                          |                                                               |                               |                                                                                     |
|                    | Small industry fund.....                                                         |                                |                                | 2,500                                                         |                               |                                                                                     |
|                    | Subtotal, Taiwan.....                                                            | 33,950                         | 36,986                         | 2,500                                                         |                               | 39,486                                                                              |
| Thailand.....      | Bangkok power distribution.....                                                  |                                | 20,000                         |                                                               |                               |                                                                                     |
|                    | Meat processing plant.....                                                       |                                |                                | 750                                                           |                               |                                                                                     |
|                    | Channel bridge.....                                                              |                                | 1,750                          |                                                               |                               |                                                                                     |
|                    | Subtotal, Thailand.....                                                          |                                | 21,750                         | 750                                                           |                               | 22,500                                                                              |
| Vietnam.....       | Saigon-Cholon water distribution system.....                                     |                                |                                | 19,500                                                        |                               | 19,500                                                                              |
|                    | Total, Far East.....                                                             | 36,090                         | 118,626                        | 50,800                                                        | 9,300                         | 178,226                                                                             |
| Latin America:     |                                                                                  |                                |                                |                                                               |                               |                                                                                     |
| Argentina.....     | Transportation, power, industry.....                                             |                                | 24,750                         |                                                               |                               | 24,750                                                                              |
| Bolivia.....       | Sugar mill.....                                                                  |                                | 2,500                          |                                                               |                               |                                                                                     |
|                    | El Alto Airport.....                                                             |                                |                                | 1,500                                                         |                               |                                                                                     |
|                    | Subtotal, Bolivia.....                                                           |                                | 2,500                          | 1,500                                                         |                               | 4,000                                                                               |
| Brazil.....        | Rural resettlement, Carembel Castrolanda.....                                    |                                | 240                            |                                                               |                               |                                                                                     |
|                    | Rural resettlement, Anhumas Pedrinhas.....                                       |                                |                                | 300                                                           |                               |                                                                                     |
|                    | Subtotal, Brazil.....                                                            |                                | 240                            | 300                                                           |                               | 540                                                                                 |
| Chile.....         | Airport design engineering.....                                                  |                                | 300                            |                                                               |                               | 300                                                                                 |
| Costa Rica.....    | Resettlement.....                                                                | 300                            | 300                            |                                                               |                               | 300                                                                                 |
| Ecuador.....       | Pan American Highway.....                                                        |                                | 4,700                          |                                                               |                               | 4,700                                                                               |
| Guatemala.....     | Rubber production.....                                                           |                                |                                | 5,000                                                         |                               |                                                                                     |
|                    | Kenaf bag factory.....                                                           |                                | 400                            |                                                               |                               |                                                                                     |
|                    | Subtotal, Guatemala.....                                                         |                                | 400                            | 5,000                                                         |                               | 5,400                                                                               |
| Haiti.....         | Artibonite Valley development.....                                               |                                | 4,300                          |                                                               |                               | 4,300                                                                               |
| Honduras.....      | Highway development.....                                                         | 5,000                          | 5,000                          |                                                               |                               | 5,000                                                                               |
| Nicaragua.....     | Public utilities, Matagalpa.....                                                 |                                | 600                            |                                                               |                               | 600                                                                                 |
| Paraguay.....      | Waterworks, Asuncion.....                                                        | 1,000                          | 1,000                          |                                                               |                               |                                                                                     |
|                    | Road to Brazil.....                                                              | 2,500                          | 2,500                          |                                                               |                               |                                                                                     |
|                    | International Products Corp. (ranching, meatpacking, quebracho).....             | 2,600                          | 2,600                          |                                                               |                               |                                                                                     |
|                    | Telecommunications.....                                                          |                                |                                |                                                               | 1,000                         |                                                                                     |
|                    | Subtotal, Paraguay.....                                                          | 6,100                          | 6,100                          |                                                               | 1,000                         | 7,100                                                                               |
| Uruguay.....       | UTE telephone expansion.....                                                     |                                |                                | 8,800                                                         |                               | 8,800                                                                               |
|                    | Total, Latin America.....                                                        | 11,400                         | 49,190                         | 15,600                                                        | 1,000                         | 65,790                                                                              |
| Near East:         |                                                                                  |                                |                                |                                                               |                               |                                                                                     |
| Greece.....        | Nitrogen fertilizer plant.....                                                   | 12,000                         | 12,000                         |                                                               |                               | 12,000                                                                              |
| Iran.....          | Plan organization projects.....                                                  | 47,500                         | 47,500                         |                                                               |                               |                                                                                     |
|                    | Industrial Development Bank.....                                                 |                                |                                | 5,200                                                         |                               |                                                                                     |
|                    | Highway construction (Avef-Andimeshk).....                                       |                                |                                |                                                               | 25,000                        |                                                                                     |
|                    | Subtotal, Iran.....                                                              | 47,500                         | 47,500                         | 5,200                                                         | 25,000                        | 77,700                                                                              |
| Israel.....        | Development loan (power, railways, agricultural and industrial development)..... | 15,000                         | 15,000                         |                                                               |                               |                                                                                     |
|                    | Industrial Institution (development bank).....                                   |                                | 5,000                          |                                                               | 5,000                         |                                                                                     |
|                    | Subtotal, Israel.....                                                            | 15,000                         | 20,000                         |                                                               | 5,000                         | 25,000                                                                              |
| Jordan.....        | Electric power.....                                                              |                                | 1,200                          |                                                               |                               |                                                                                     |
|                    | Phosphate mines.....                                                             |                                |                                | 2,500                                                         |                               |                                                                                     |
|                    | Subtotal, Jordan.....                                                            |                                | 1,200                          | 2,500                                                         |                               | 3,700                                                                               |
| Lebanon.....       | El-Bared powerplant project.....                                                 |                                |                                |                                                               | 500                           |                                                                                     |
|                    | Agricultural, Industrial, and Real Estate Bank.....                              |                                |                                |                                                               | 5,000                         |                                                                                     |
|                    | Subtotal, Lebanon.....                                                           |                                |                                |                                                               | 5,500                         | 5,500                                                                               |

Footnotes at end of table.



## Summary of Development Loan Fund obligations and commitments (as of June 30, 1959)—Continued

[In thousands]

| Country             | Loan description                                                  | Obligations <sup>1</sup>       |                                | Other loan authorizations and commitments as of June 30, 1959 |                               | Total obligations commitments and authorizations as of June 30, 1959 |
|---------------------|-------------------------------------------------------------------|--------------------------------|--------------------------------|---------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------|
|                     |                                                                   | Cumulative as of Jan. 31, 1959 | Cumulative as of June 30, 1959 | Loan commitments <sup>2</sup>                                 | Loans authorized <sup>3</sup> | (2)+(3)+(4)                                                          |
|                     |                                                                   | (1)                            | (2)                            | (3)                                                           | (4)                           | (5)                                                                  |
| Near East—Continued |                                                                   |                                |                                |                                                               |                               |                                                                      |
| Syria.....          | Worsted textile plant.....                                        |                                |                                | \$1,000                                                       |                               | \$1,000                                                              |
| Turkey.....         | Industrial Development Bank.....                                  | \$10,000                       | \$10,000                       |                                                               |                               |                                                                      |
|                     | Aerial mineral survey.....                                        |                                | 900                            |                                                               |                               |                                                                      |
|                     | Zonguldak coal development.....                                   |                                | 14,500                         |                                                               |                               |                                                                      |
|                     | Plastics and related chemicals plant.....                         |                                |                                | 6,100                                                         |                               |                                                                      |
|                     | Electric power distribution.....                                  |                                |                                | 7,000                                                         |                               |                                                                      |
|                     | Koruma Chlor-Alkali and Pesticides manufacturing.....             |                                |                                |                                                               | \$2,500                       |                                                                      |
|                     | Development projects <sup>4</sup> .....                           |                                |                                | 6,200                                                         |                               |                                                                      |
|                     | Subtotal, Turkey.....                                             | 10,000                         | 25,400                         | 19,300                                                        | 2,800                         | 47,500                                                               |
|                     | Total, near east.....                                             | 84,500                         | 106,100                        | 28,000                                                        | 38,300                        | 172,400                                                              |
| South Asia:         |                                                                   |                                |                                |                                                               |                               |                                                                      |
| Ceylon.....         | Colombo R.R. (motor coaches).....                                 | 750                            | 750                            |                                                               |                               |                                                                      |
|                     | Highway development equipment.....                                | 900                            | 900                            |                                                               |                               |                                                                      |
|                     | Irrigation and land development.....                              | 1,600                          | 1,600                          |                                                               |                               |                                                                      |
|                     | Subtotal, Ceylon.....                                             | 3,250                          | 3,250                          |                                                               |                               | 3,250                                                                |
| India.....          | Railways (steel for locomotives and rolling stock).....           | 40,000                         | 40,000                         |                                                               |                               |                                                                      |
|                     | Road transport equipment, cement and jute industry machinery..... | 35,000                         | 35,000                         |                                                               |                               |                                                                      |
|                     | Steel for public projects.....                                    | 18,000                         | 18,000                         |                                                               |                               |                                                                      |
|                     | Steel for private projects.....                                   | 22,000                         | 22,000                         | 20,000                                                        |                               |                                                                      |
|                     | Equipment for railway development.....                            | 35,000                         | 35,000                         |                                                               |                               |                                                                      |
|                     | Equipment for public power development.....                       | 10,000                         | 10,000                         |                                                               |                               |                                                                      |
|                     | Capital equipment for private industry.....                       | 15,000                         | 15,000                         |                                                               |                               |                                                                      |
|                     | Subtotal, India.....                                              | 175,000                        | 175,000                        | 20,000                                                        |                               | 195,000                                                              |
| Pakistan.....       | Karachi water and sewerage.....                                   | 5,500                          | 5,000                          |                                                               |                               |                                                                      |
|                     | Industrial Credit Corp.....                                       | 4,200                          | 4,200                          |                                                               |                               |                                                                      |
|                     | West Pakistan high tension grid (power transmission).....         |                                | 14,700                         |                                                               |                               |                                                                      |
|                     | Karnafuli multipurpose dam.....                                   |                                | 17,500                         |                                                               |                               |                                                                      |
|                     | West Pakistan ground water development (reclamation).....         |                                | 15,200                         |                                                               |                               |                                                                      |
|                     | West Pakistan secondary transmission.....                         |                                | 23,000                         |                                                               |                               |                                                                      |
|                     | Railway rehabilitation equipment.....                             |                                | 9,100                          |                                                               |                               |                                                                      |
|                     | Port of Chittagong.....                                           |                                |                                | 2,000                                                         |                               |                                                                      |
|                     | Port of Chalna anchorage.....                                     |                                |                                | 2,000                                                         |                               |                                                                      |
|                     | Sui gas transmission.....                                         |                                |                                | 2,000                                                         |                               |                                                                      |
|                     | Marking and charting of navigable waterways of East Pakistan..... |                                |                                | 1,750                                                         |                               |                                                                      |
|                     | Karachi commercial jet strip.....                                 |                                |                                | 4,800                                                         |                               |                                                                      |
|                     | Subtotal, Pakistan.....                                           | 9,700                          | 89,200                         | 12,550                                                        |                               | 101,750                                                              |
|                     | Total, south Asia.....                                            | 187,950                        | 267,450                        | 32,550                                                        |                               | 300,000                                                              |
|                     | Grand total.....                                                  | 348,630                        | 623,306                        | 136,750                                                       | 75,500                        | 835,556                                                              |

<sup>1</sup> Loans and guarantee agreements signed.<sup>2</sup> Loans approved by the Board of Directors, for which letters of advice have been issued to borrowers. Also includes country development project commitments mentioned in footnote 3.<sup>3</sup> Loans approved by the Board of Directors, but, letters of advice not yet issued.<sup>4</sup> Will probably be split into 2 loans.<sup>5</sup> Agreement to finance projects within country development programs, subject to approval of the specific projects.<sup>6</sup> Includes loan guarantee of \$4,500,000.

Mr. JAVITS. Mr. President, this summary shows that we are utilizing the Development Loan Fund where it will do the most good, for in the major areas, for example, the Near East and south Asia, which are key areas in this struggle which we are waging with the Communists, the greatest amount of Development Loan Funds are now being employed.

May I point to one very fundamental philosophical concept which it seems to me Congress is not giving sufficient attention to, and it is this: We must understand what is our strength and what is the other side's strength. So far as we are concerned, our strength consists in the fact that we have credit and resources and therefore we can work along with people who are working as reasonably hard as people should, who are having some of the fruits and benefits of life currently, instead of postponing them until some indeterminate era in the future. We are able to do it because we

have credit and resources in the free world.

On the other hand, the Communists proceed by exacting, by the strongest discipline and the greatest amount of tyranny, a backbreaking amount of labor and forbearance, in terms of the standards of living, from the working people in the Communist countries.

If we handicap ourselves by refusing to make available the amount of credit that we should in order to facilitate, to lubricate the whole system of the free world, we shall find ourselves falling behind, and markedly behind, what the Communists are able to do, and we will be in great jeopardy of losing this least developed area.

The most salient example of that is India. We were suffering in India very seriously from the fact that America was not highly considered there, nor were its aid programs highly considered there, but by concentrating our aid in a major way in that country with the \$2 billion

we had already in one way or another employed there, it has finally broken through.

Mr. President, may we have order? I do not mind if Members are not enough interested to listen, but it is sometimes difficult to talk above the din, and I do think, with all respect, that what I am talking about is worthy of attention.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, we spent about \$2 billion in India all told, and it finally has broken through.

U.S. News & World Report, in its issue of August 3, 1959, stated the following:

An American today, however, constantly hears and reads praise about what his country has done and is doing to help India. Although there has been no letup in Soviet aid, an independent poll taken recently showed that, among those Indians who had an opinion, a majority believed the United States was doing more than the Soviet Union. For the first time the balance tipped in favor of America.



Mr. President, when we see today the tremendous significance of India in resisting the aggressive forward march of the Communist Chinese regime, I think we begin to be impressed with what can be done by a very modest amount of foreign aid used and appropriated in the right way, as compared with what we spend every year without blinking an eye on our military defense.

I would like to give some further facts with respect to the Development Loan Fund. I ask that there be inserted in the RECORD as part of my remarks a chart showing the loans approved, by currency of repayment, together with a chart showing the uses to which the individual loans made by the development loan fund are being employed in the least developed areas.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

*Loans approved, by currency of repayment, as of June 30, 1959*

|                                              | Number of loans | Amount (in dollars or dollar equivalents) <sup>1</sup> |
|----------------------------------------------|-----------------|--------------------------------------------------------|
| U.S. dollars (see attachment).....           | 2 24            | \$197,115                                              |
| Dinars—Yugoslavia.....                       | 4               | 42,125                                                 |
| Hwan—Korea.....                              | 5               | 17,740                                                 |
| New Taiwan dollars—Taiwan.....               | 7               | 32,986                                                 |
| Ethiopian dollars—Ethiopia.....              | 1               | 500                                                    |
| Lempiras—Honduras.....                       | 1               | 5,000                                                  |
| Guaranies—Paraguay.....                      | 3               | 3,000                                                  |
| Rupees—Ceylon.....                           | 3               | 3,250                                                  |
| Drachmas—Greece.....                         | 1               | 12,000                                                 |
| Rupees—India.....                            | 8               | 195,000                                                |
| Pounds sterling—Jordan.....                  | 1               | 2,500                                                  |
| Pounds—Israel.....                           | 3               | 25,000                                                 |
| Pounds—Libya.....                            | 1               | 5,000                                                  |
| Rupees—Pakistan.....                         | 11              | 101,750                                                |
| Lira—Turkey.....                             | 6               | 41,300                                                 |
| Pesos—Uruguay.....                           | 1               | 2,200                                                  |
| Pesos—Philippines.....                       | 2               | 23,750                                                 |
| Dinars—Jordan.....                           | 1               | 1,200                                                  |
| Piasters—Vietnam.....                        | 1               | 19,500                                                 |
| Bolivianos—Bolivia.....                      | 2               | 4,000                                                  |
| Pesetas—Spain.....                           | 3               | 23,800                                                 |
| Pesos—Chile.....                             | 1               | 300                                                    |
| Rupiahs—Indonesia.....                       | 2               | 9,000                                                  |
| Curzeiros—Brazil.....                        | 2               | 540                                                    |
| Somalos—Somalia.....                         | 1               | 2,000                                                  |
| Sucres—Ecuador.....                          | 2               | 2,350                                                  |
| Baht—Thailand.....                           | 2               | 21,750                                                 |
| Tunisian francs—Tunisia.....                 | 1               | 2,400                                                  |
| Gourdes—Hafti.....                           | 1               | 4,300                                                  |
| Other—Tunisia <sup>3</sup> .....             | 1               | 6,250                                                  |
| Total.....                                   | 102             | 807,606                                                |
| Other project commitments.....               |                 | 23,450                                                 |
| Loan guarantee.....                          |                 | 4,500                                                  |
| Total charges against lending authority..... |                 | 835,556                                                |

<sup>1</sup> Excludes other project commitments and loan guarantee.

<sup>2</sup> Excludes 6 loans where part of principal repayment is in foreign currency (Yugoslavia, fertilizer; Ecuador, highway; Paraguay, Brazil, road; Uruguay, telephone; Paraguay, telecommunication; Yugoslavia, Trebinjica, power).

<sup>3</sup> Repayable in currency of Tunisia, France, or United Kingdom to be determined.

#### ATTACHMENT

*Loan amounts repayable in U.S. dollars, June 30, 1959*

[Amount in thousands of dollars]

|                                                                |        |
|----------------------------------------------------------------|--------|
| Loan agreements signed:                                        |        |
| Argentina: Banco Central, Transportation Power & Industry..... | 24,750 |
| Liberia: Sawmill.....                                          | 190    |
| Liberia: Telecommunications.....                               | 3,000  |
| Ecuador: Pan American Highway <sup>3</sup> .....               | 2,350  |
| Netherlands: Resettlement.....                                 | 3,000  |
| Yugoslavia: Pancevo fertilizer <sup>1</sup> .....              | 5,625  |
| Taiwan: Ingalls-Taiwan.....                                    | 2,000  |

Footnotes at end of tables.

*Loan amounts repayable in U.S. dollars, June 30, 1959—Continued*

[Amount in thousands of dollars]

|                                                       |         |
|-------------------------------------------------------|---------|
| Loan agreements signed—Continued                      |         |
| Costa Rica: SICA resettlement.....                    | 300     |
| Malaya: North Klang Straits.....                      | 10,000  |
| Malaya: Roads and bridges.....                        | 10,000  |
| Nicaragua: Matagalpa utilities.....                   | 600     |
| Iran: Plan organization project.....                  | 47,500  |
| Paraguay: Brazil Road <sup>2</sup> .....              | 1,000   |
| Paraguay: International Products Corp.....            | 2,600   |
| Sudan: Textile Mill.....                              | 10,000  |
| Guatemala: Kenaf Bag Factory.....                     | 400     |
| Subtotal, Loan Agreements Signed.....                 | 123,315 |
| Letters of advice issued:                             |         |
| Philippines: Bataan Pulp & Paper Mill.....            | 5,300   |
| Nigeria: Warehouse.....                               | 800     |
| Guatemala: Rubber production.....                     | 5,000   |
| Uruguay: UTE Telephone.....                           | 6,600   |
| Thailand: Meat processing.....                        | 750     |
| Iran: Development Bank.....                           | 5,200   |
| Subtotal, letters of advice issued.....               | 23,650  |
| Loan approved (letters of advice not yet issued)..... | 50,150  |
| Total.....                                            | 197,115 |

<sup>1</sup> Repayment of loan is 75 percent in Yugoslav dinars, 25 percent in dollars.

<sup>2</sup> First 18 payments in guaranis, last 12 in dollars.

<sup>3</sup> Repayment of loan 50 percent in sucres, 50 percent in dollars.

<sup>4</sup> Repayment: First 25 percent in pesos; 75 percent in dollars.

Mr. JAVITS. Mr. President, I ask unanimous consent that there be included in my remarks a brief statement describing the way in which the Development Loan Fund stimulates private investment, and that statement demonstrates that as of June 30, 1959, about 34 percent of all the loan commitments made out of the Development Loan Fund, \$285 million were for the private sector in the less developed sectors of the free world.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

As of June 30, 1959, about \$285 million, or about 34 percent of our total of \$836 million of loan commitments were for the use of the private sector in the less developed areas.

Direct loans to private enterprise and to mixed private-public organization amounted to \$115 million of the total \$285 million.

We feel this is a creditable record for our first year and a half of operation and hope to build on it in the future. To expand our operations in the area of private enterprise, we will utilize direct loans, loan guarantees, and loans to intermediate credit institutions for relending to private entrepreneurs.

Government enterprise will probably continue to be one of our principal borrowers chiefly because in many of the less developed countries a prime need is for the establishment of basic facilities such as roads, ports, and powerplants in which private investors have expressed little interest. The establishment of such facilities through government enterprise, however, will open new opportunities for increased activity by private enterprise in these countries, and, as a corollary, develop additional opportunities for activities in this sector by the Development Loan Fund and others. The installation of powerplants, for instance, can lead to the undertaking of new private industrial enterprises using the available facilities; or the

opening up of new areas through the construction of additional roads and related facilities can provide incentives for local entrepreneurs to tap, with the assistance of external loans, the resources of a less developed country. Therefore, DLF assistance for sound projects initiated by government enterprise can be regarded as a step toward stimulating the private sector in the borrowing country and permitting it to play a significant role in a country's development.

Mr. JAVITS. Mr. President, I am almost through, but I do feel that what I am proposing to the Senate is something to which the Senate needs urgently to give its attention.

I point out that the authorizations which are available in the Mutual Security Act to cover 1960 and 1961 far exceed the amounts which are provided for in the bill, and the amount which I am suggesting be provided for 1961. For one year, 1960, \$700 million is authorized. The bill provides \$590 million.

For 1961, \$1,100 million is authorized. I am proposing that we assure the Development Loan Fund of at least \$500 million so it can go ahead and make advance commitments and partnership arrangements with other countries.

Mr. President, it seems to me that those who are the most active in the feeling that we ought to cut down on our foreign aid commitments are those who should the most favor what I am proposing, because it is our one way of going out and getting partners and thereby relieving us and our budget of the continuous requirement for foreign aid.

Mr. MORSE. Will the Senator yield at that point in his remarks?

Mr. JAVITS. I yield.

Mr. MORSE. As one who meets completely the description the Senator from New York has just made in his speech, that is, one who believes we ought to cut down on our foreign aid in reference to wherever we can show that there is waste in the foreign aid, or that the money is going into any project that is not going to promote the best foreign relations of the United States, I completely endorse the suggestion the Senator from New York is making in his very able speech this afternoon. It is one of the ways in which we can strengthen our foreign aid program. I think it is also one of the ways we can develop a sound development loan program that puts the emphasis on the loans rather than the policy we have been following where there has not been, in my judgment, the adequate check upon the expenditure of our money that there should be. I want to compliment the Senator from New York on what I think is an important contribution on his part.

Mr. JAVITS. I am very grateful to my colleague from Oregon and may I say to him that one of the reasons I admire him so much, and one of the things on which I try to qualify myself is to meet the issues which I myself propose. I think he does this, too. It would be easy to worry me about the fact that my amendment might be construed by my constituents as trying to increase appropriations at a time when I have thousands upon thousands upon thousands of letters to reduce them, the number being equal to the number of popu-



lation that New York has in excess of that of other States in proportion.

I do not believe in being intimidated by things which, in the absence of explanation, might seem wrong to my constituents. But like the Senator from Oregon, I am perfectly happy, any time I think something is right, to take on the explanation and face it, because that is why the people of my State sent me here, not to take the easy courses out. I have noticed that the Senator from Oregon, like myself, when he is going to spend money, is not afraid to vote appropriations and vote taxes in order to do it. So in this situation I think the easy way out would be to say, "Don't touch this \$590 million. Let it alone."

I do not want to increase the amount this year, though I think we are wrong about it. I do not think that is the thing to do, in view of the sentiment of the country. But not to do some forward planning for next year I think is unwise, and I am grateful to my colleague, who is a distinguished member of the Foreign Relations Committee, for putting the matter in focus.

Mr. President, I have the honor, because of the graciousness and the kindness of the Senate, to be the chairman of the Economic Committee of the NATO Parliamentarians. That is a body which has on it one representative of the Parliaments of each of the NATO countries, and in practically every case he is a highly skilled economist or man who has been deeply concerned with foreign economic policy. That has been a very active committee. It has done a good deal in the field of foreign private investment, and it has done a good deal in terms of trying to help the one and two commodity countries which suffer very materially from radical price swings, and it is now addressing its attention to this particular subject of partnerships between other countries and the United States in respect of foreign economic aid.

I have proposed this amendment out of deep conviction based upon this intimate association of the representatives of the very governments which have it within their power to cooperate and to go into partnership with us in this matter that this is what they are waiting for. They are waiting for the United States to put itself in a posture where it can really work with them, where it does not on the one hand say it wants partnership, wants help, and wants other people to take over some of the foreign aid burden, but does not actually put itself in a position to accomplish that end, which this amendment proposes.

Mr. President, I close upon this note. No matter what we may be doing or thinking in this field, we must always bear in mind that we are not doing it free of competition, but, on the contrary, we are meeting the most acute kind of competition from the Soviet Union and from Communist China itself, both of which are engaged in a major way in the foreign aid program.

If there is any reason, therefore, which could be more certain than that one for the fact that we should not only pro-

ceed alone but tie on other associates with us, it is that.

The Soviet Union foreign aid program is now in the area of about \$2 billion. The foreign aid program of Communist China is of the magnitude of hundreds of millions. It seems to us that the greatest flattery is emulation. It seems to me that if anything has confirmed the rightness of what we are doing, it is the fact that the Communist powers, after derisively laughing at our program, have had to do the same thing. We were the first in the field, and we were the most effective in the field. If we have the good judgment to really swing our weight, I think it can be a decisive factor in the victory for freedom. If we swing less than our weight, it is we who are being unwise and proposing to fight a battle for survival of the most intense kind, with one hand tied behind our backs.

I hope the Senate will act favorably on my amendment.

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DWORSHAK. The Senator from New York is quite a realist. I should like to ask him if he is aware of the fact that recently, in July, the Senate passed the authorization for the Inter-American Development Bank, which commits the United States to make available \$450 million for development loans in South America. Would it not appear logical that, to that extent, pressure upon the Development Loan Fund under the ICA program would be greatly lessened, because of the new proposal to give specific recognition to the inter-American countries?

Mr. JAVITS. What has been done in respect of Latin-America will help very materially; but, as every United Nations study and every study by our own committees and experts has demonstrated, we are so far deficient in the amount of capital resources which the world needs to deal with the underdeveloped areas that every way we can increase that amount will mean helping ourselves to keep the world safe for freedom. The proposal I make is exactly the same kind as the Inter-American Bank. It proposes to get others to contribute too. That is the whole purpose and point of it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. [Putting the question.]

Mr. JAVITS. Mr. President, on that question I ask for a division.

On a division the motion was rejected.

Mr. DODD. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut will be stated.

The CHIEF CLERK. On page 19, after line 12, it is proposed to insert:

COMMISSION ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE, SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," \$34,000.

Mr. DODD. Mr. President, it will not take very long to explain this amend-

ment. I wish to say to the distinguished chairman of the Committee on Appropriations that I have discussed it briefly with other Members and with the chairman. I voted in committee to eliminate this language, but since then I have talked with some lawyers who have convinced me that it would be a good idea to restore this item. If the Senate will indulge me for 2 or 3 minutes, I shall explain the amendment.

The purpose of this amendment is simple and my explanation will be brief.

It would add to the appropriation bill before us the amount of \$34,000 to enable the Commission on International Rules of Judicial Procedure to continue its work. Earlier this week, the House and Senate passed a bill extending the life of this Commission to December 31, 1961. But this action of Congress will be nullified for all effective purposes unless we appropriate the small amount of money, \$34,000, necessary to pay the public members of the Commission.

The purpose of the Commission is to make recommendations for reforming the practice of State and Federal courts in first, serving processes, subpoenas, orders to show cause, and other judicial documents in foreign territory; second, in obtaining oral and documentary evidence abroad; third, in obtaining evidence of foreign law; and fourth, reciprocally, rendering assistance to foreign courts.

The Congress has directed the Commission to draft international procedural agreements for negotiation by the Secretary of State, and to recommend to the President other legislation such as amendments to the pertinent provisions of the Federal judicial and criminal code, and the Federal rules of civil and criminal procedure. A study of the equivalent procedures of the courts of foreign countries must be made.

In addition to bringing about necessary reform in the practice of our State and Federal courts, the Commission can be instrumental in creating international good will through its examination of our juridical relations with foreign countries. This is especially true of the newer countries. For example, Morocco, just a few days ago, indicated its desire for an examination of its unsatisfactory juridical relations with the United States.

The Commission on International Rules of Judicial Procedure consists of nine members. There is also an advisory committee of 15 members. The paid working staff consists of a Director, two junior research attorneys, and one secretary-stenographer. Of the \$34,000 requested by this amendment, \$25,000 is necessary to pay the salary of this small staff.

The additional \$9,000 is for the purpose of enabling the Commission to meet the expenses incident to a meeting of its advisory committee and the preparation of a report.

In brief, therefore, the purpose of the Commission is to come up with recommendations that will make legal proceedings involving acts in a foreign territory less expensive, less cumbersome, and less time consuming for our attorneys and their clients.



Unless we act in the next few minutes to provide this Commission with the \$34,000 it needs to continue minimal operations, it will go out of business and the act of Congress of a few days ago which extended its life for 2 years will become meaningless.

There is a great deal of talk, but precious little action, to further the goal of developing international law to the point where it could make a lasting contribution to world peace. We have before us an amendment which, while making no pretensions toward a major advance in international law, would provide a practical, workable means within its small area of ironing out differences in judicial procedure, differences which now hamper and delay the operation of justice.

The cost is small, the work to be done is important, and I urge the Senate to adopt this amendment and thus keep alive one of the little known but nonetheless important agencies of our Government which is working to bring about a greater degree of international understanding.

Mr. JOHNSON of Texas. Mr. President, I understand that the chairman of the committee is agreeable to accepting the amendment. Is that correct?

Mr. HAYDEN. That is correct. We will take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DODD].

The amendment was agreed to.

Mr. BARTLETT. Mr. President, mindful of the fact that the Senate has been engaged in a week of arduous labor here in the Chamber, I shall be brief in my remarks about the mutual security appropriation bill that is before us.

Some of my colleagues here may recall my opposition to the mutual security authorizations bill which was passed by the Senate earlier in the session. The basis for that opposition was explained by me in remarks here. I expressed the fear that our economic assistance to underdeveloped areas is too little to be truly constructive. I voiced my objection to the practice of giving assistance to foreign nations which create distinctions among American citizens on the basis of race or religion. And I called the Senate's attention to the fact that when the United States strengthens dictatorial regimes by economic assistance the image of the United States as the champion of free government becomes blurred and we expose ourselves to accusations of economic imperialism. With many other Senators, I protested the lack of congressional controls over spending abroad.

Mr. President, I doubt whether many Americans realize that the Congress does not exercise control over money spent in other countries on a project-by-project basis, nor even on a country-by-country basis. In fact, Congress is denied information which intelligent congressional supervision would require.

Mr. President, I believe that the members of the Appropriations Committee are to be commended for their efforts, and the results they have obtained in the face of great difficulties. The adminis-

tration has told the American people, in effect, that Congress is spendthrift when it seeks to create an environment in which the minimal needs of the American people can be met, in which the free American economy can grow, and in which our race with totalitarian societies can be won. To the extent that we in Congress have sought to lead the Federal Government along a less timid path to develop the well-being of the American people, we have been chastised as "spenders." To the extent that we in Congress have sought reasonable controls and fuller details with respect to expenditures abroad, we have been chastised as provincial or unstatesman-like. I know that many of my colleagues share my bewilderment at the administration's fetish against projects at home, on the one hand, and its attitude that scrutiny of projects abroad subverts America's leadership, on the other hand. In view of this bewildering attitude about expenditures, I think Congress is to be commended for adhering to a policy of bipartisan support for the President in the foreign policy field and for appraising foreign policy programs on their merits.

Mr. President, let me make it clear that I do not oppose economic assistance to democratic, underdeveloped, nations. As I have said previously, my concern is that the amounts appropriated for this purpose may be inadequate. We need a bolder attack on the conditions that breed communism, and we need a fuller commitment to victory in the battle for men's minds. I am pleading both for a bolder program of aid in the underdeveloped areas—preferably on a loan basis—coupled with more sensible fiscal control and greater supervision of assistance programs by the Congress.

Mr. President, it follows that I am delighted to find section 103 in the bill before us. This provision modifies one adopted on the floor of the House of Representatives, which would have prohibited the use of funds appropriated for defense support, the Development Loan Fund, special assistance or the contingency fund for financing nonmilitary projects or programs not meeting the feasibility criteria or standards which apply to domestic flood control, reclamation and other related programs. I would have supported the House version of section 103, but I regard the language reported by our Senate committee, which requires that the use of appropriated funds in these categories on any new project abroad be preceded by "a detailed evaluation which provides reasonable assurance" that benefits will be at least equal to costs, as an improvement over prior mutual security legislation. But I do not agree that U.S. taxpayers' dollars should be spent on public works projects abroad with less exacting standards than those applied here. Indeed, Mr. President, here too frequently we hear the "pork barrel" charge when the benefit-cost ratio is high. I have never heard this criticism applied to public works undertakings which we pay for around the globe.

I am gratified, too, to note the inclusion of section 112 by the Senate Appropriations Committee, to require fuller

reporting on expenditures under the mutual security program by the President to the Appropriations Committees of Congress. Once again, Mr. President, I would have favored a much stronger reporting provision—perhaps like that adopted by the other body. Section 112, however, reflects a growing awareness not only of our right to know, but of our need to know about the conduct of this program.

Mr. President, section 115, included in the pending measure, expresses the sense of the Congress that the attempt of foreign nations to create distinctions among American citizens on the basis of race or religion is repugnant to American principles. It seems to me this is the least we can do in stating the fundamental, traditional American position. The Senate committee which incorporated the language, and the distinguished senior Senator from Oregon and the distinguished senior Senator from New York, who led the struggle for inclusion of this expression of congressional attitude, are to be commended.

There is talk, Mr. President, that the administration is fearful that the appropriations in this act will prove to be inadequate. I share a similar concern, with respect to economic aid. But in that case, it would be the duty of the administration to come again to Congress with an explanation of the foreign developments that require greater expenditures. I cannot assume that the administration would fail to perform this duty, if the need should arise.

Moreover, I believe that the controversy over mutual security appropriations provides a clear lesson for this President and his successors: That lesson is that reckless charges against needed domestic projects and prophecies of economic doom and gloom may provide effective rhetoric for the opponents of liberalism, but they do not promote an atmosphere in which the American people can respond uncritically and with full sympathy to requests for vast expenditures abroad.

Mr. President, recent events in India emphasize another problem which I discussed in my remarks about the authorizations act earlier this session. At that time, I said the resources of the United States might be used most effectively if concentrated in assistance to those underdeveloped, free countries which are engaged in dramatic races with Communist neighbors. Obviously, the best example of such a country is India. In this summer, and most especially in recent weeks, we have seen the violation of India's borders by forces from Communist China. We have read reports of riots instigated against the Nehru government by the Communist Party in Calcutta. These riots are probably meant as retaliation for the dissolution, under constitutional procedures, of the Communist regime in the State of Kerala.

According to information contained in the hearings published by the House Appropriations Subcommittee on Mutual Security, 25 percent of the Development Loan Fund allocations abroad—up to June 12, 1959—were spent for projects in India.



In part because of the fact that failure to appropriate on a country-by-country basis makes difficult the mechanics by which Congress might express support for a particular country, I shall not seek to amend the act before us to require that in the future, as in the past, at least 25 percent of Development Loan Fund allocations be spent in India. Perhaps the percentage should be much, much higher. I am convinced that the raw total figures should be higher. Perhaps, too, the application of benefit-cost ratio standards, pursuant to the new section 103 of the act, would affect the percentage of allocation for India in the immediate future. But within the limitations of sound feasibility requirements, Mr. President, I would hope that the Development Loan Fund will maintain its interest in India and will do all that it can to support economic progress in that country, which is so beset by the problems of a rapidly growing population, and which is symbolic of the efforts of underdeveloped free nations to exceed the economic growth of underdeveloped totalitarian nations.

In conclusion, Mr. President, I express the hope that the administration will couple future requests for mutual security appropriations with a greater willingness to keep Congress informed of expenditures abroad and to allow greater supervision of these expenditures by Congress.

I ask unanimous consent that a book review by the noted scholar, Miss Barbara Ward, which appeared in the New York Times and which reports on a new book entitled "East and West in India's Development," be printed in the RECORD following these remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVIEW OF BOOK ENTITLED "EAST AND WEST IN INDIA'S DEVELOPMENT"

(By Barbara Ward)

In the next decades the future of Asia will probably be decided not by tanks and bombs but by the battle of production statistics waged between India and China. At present, as a result of forced saving and Draconian discipline, China's economic growth may be as much as three times as rapid as India's. This projection, carried forward 20 years or so, could tip the scales against India's democratic experiment. The ruthless political methods of China are not in themselves attractive—particularly on the morrow of Tibet. But its ability to provide food and work will weigh more and more heavily in the scales if India meanwhile cannot fully meet these inescapable needs.

Those who wish to study this fateful duel in greater detail cannot do better than read Wilfred Malenbaum's short study "East and West in India's Development." The author, visiting professor of economics at Massachusetts Institute of Technology, looks dispassionately at the reasons for the short-fall in India's achievements under the second 5-year plan and finds them where, under any noncompulsive system of government, one would expect them to lie. India's per capita income is not much above \$60. To urge people to save—in other words not consume—under these conditions of minimal income is the hardest task facing a democratic government and it is precisely by forced saving, especially in the agricultural sector, that totalitarian China has been able to forge ahead.

In India, the mobilization of domestic savings, particularly rural savings, has fallen behind the planned figures. The Indian Government may have aggravated the effect of the short-fall by too optimistic an original estimate of the likely capital output ratio and—recently—by too great an effort to divert the national trend of savings from the private sector (where 90 percent of India's economic activity is carried on) to public investment.

Moreover, excessive emphasis in the future on large capital-intensive works in the public industrial sector might accentuate this difficulty, draining effort and resources from rural renewal and smaller labor-intensive activities. Yet the fundamental difficulty is India's appalling poverty and the obstacles that lie, under any voluntary system, in the way of securing sufficient savings from a population below the borderline of adequate consumption.

This is the crucial setting to the problem of foreign assistance. Russian aid is sizable and, inevitably, designed to encourage the growth of the public sector. Western assistance has been much larger but has tended to be geared to crises rather than to a steady, long-term look at India's development as a whole. Yet its scale and continuity will be absolutely decisive in the next planning period. If Western participation is at a lower and more uncertain level than in the last 8 years, all the trends making for exaggeration in the public sector and neglect of healthy, resilient forces in the private economy would be intensified. Moreover, it is doubtful whether India could maintain even the minimum rate of advance needed to keep pace with rising population and an expanding working force.

It is essential that public opinion in the West should fully grasp the scale of India's difficulties—and opportunities—and the decisive influence they will exercise on the survival of the "open society" in emergent lands. Mr. Malenbaum's packed, factual and authoritative study is the best, rapid summary available of India's problems today, and no one interested in the great duel in Asia can afford to leave it unread.

Mr. HUMPHREY. Mr. President, I have a very minor amendment which I have discussed with the distinguished chairman of the committee, Mr. HAYDEN. It is designated "9-10-59-F." I send it to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Minnesota will be stated.

The CHIEF CLERK. On page 8, beginning with line 9, it is proposed to strike out all through line 11, and redesignate the succeeding sections of title I accordingly.

Mr. HUMPHREY. Mr. President, this amendment does not involve new money, but merely applies to the use of funds under the act, and removes some prohibitions, in connection with their use. I would appreciate the comment of the chairman of the committee.

Mr. HAYDEN. Mr. President, I shall be glad to take the amendment to conference.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I have prepared regarding the amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUMPHREY

The purpose of my amendment is to strike from the pending bill, H.R. 8385, providing

funds for the mutual security program for 1960, section 110 on page 8, beginning on line 9, which had originally been inserted in the House Appropriations Committee. This provision in the bill reads as follows:

"Sec. 110. None of the funds herein appropriated shall be used to carry out the provisions of section 501(b) of the Mutual Security Act of 1959."

The unfortunate effect of section 110 is to prohibit the use from the President's contingency fund of any money which might carry out section 501(b) of the mutual security authorization law, Public Law 108, 86th Congress.

What would section 501(b) provide?

Section 501(b) authorizes the President, if he so determines, to utilize up to \$2 million for the specific purpose of authorizing research, field trials and demonstrations looking toward the possible mass eradication of selected diseases.

SECTION 110 SHOULD HAVE BEEN TREATED EXACTLY AS COMMITTEE TREATED 111

The Senate Appropriations Committee had its own ample precedent for eliminating the restrictive House provision.

I point out that on page 9 of Senate Report 981, the Senate Appropriations Committee rightly indicated that it removed the "freeze" which the House Appropriations Committee had unfortunately adopted against the use of any funds under the very next item—section 111—for the East-West Cultural Center in Hawaii.

I congratulate the Senate Appropriations Committee for removing the House's unsound restriction in the House's version of section 111.

The House committee had previously justified its overall restrictions on the ground that the subjects prohibited both in section 110 and section 111 represented new programs.

It is a fact that section 111 is a "new" program, but it also happens to be a wonderfully imaginative, immensely promising program—for an East-West Hawaiian Cultural Center.

By contrast, section 110—which the Senate committee regrettably retained—freezes something which is not "new," namely a program looking toward the mass eradication of disease. This is a program on which the United States has been engaged at least in limited form for a period of years.

With all due respect to the distinguished members of the Senate Committee on Appropriations who labored with customary diligence and conscientiousness on this bill, I submit that their present version perpetuates an equity. It freezes a mere extension of an old program, while unfreezing a completely "new" program.

It seems to me that both these programs, while unrelated, should be treated in the same fair manner; namely, no prohibition on funds.

That is why I urge that we now eliminate the House restriction by adopting my amendment. Unless we do so, the President cannot use any funds for this purpose.

GIVE THE PRESIDENT DISCRETIONARY POWER

The actual question of policy before the Senate is this: Are we to tell the people of the world that the Congress does not feel that the President should have the discretion to use even a nickel of money which might be used for field trials to test the eradication of disease?

Are we to tell the people of the world that while they are suffering from perhaps a dozen major regional and universal killing and crippling diseases, that the United States is not interested in financing a nickel more of field trials which might once and for all help exterminate at least one or more of these killers and cripples?



## WHAT IS REAL ECONOMY?

What I am saying is this: It is far cheaper to eliminate a disease by testing new methods against it, and then applying proven methods, than it is to tolerate a disease indefinitely. To reject this amendment would be false economy.

The proof of this is in the present anti-malaria program. Malaria has cost the world—indirectly—tens of billions of dollars since World War II alone, in terms of lost purchasing power, etc. Yet, for the most minute fraction of that sum, we are on our way toward wiping out malaria completely.

But what about certain other diseases like sleeping sickness, cholera, etc. Do we propose to ignore the possible prevention and cure of these diseases which might continue to exist indefinitely?

## TROPICAL DISEASES STRIKE U.S. TROOPS

Let me point out that I am talking not simply of diseases affecting foreigners, I am talking about diseases which can rage and have raged in epidemic form among American servicemen who are stationed, for example, in the Far East in the scores of thousands. They are just a jet plane hop away in this contracted world.

I am talking about diseases which have raged in Laos, for example.

Who is now to say whether United Nations forces may soon be needed in Laos or in some other country which may be endangered by Communist aggression? If United Nations troops are needed there, I can almost guarantee that we will be begging medical science to find the answers against certain diseases there.

## TIME IS PRECIOUS

So, the question is, "Do we or do we not propose to use time, our greatest asset in this fight—and take the necessary steps now." Time is crucial. Setting up field trials can take years and years.

Let me point out that if the Senate fails to eliminate the House restriction, not a single nickel of American official funds for this type of field purpose will be available for research in the 1960 fiscal year.

## NO OTHER FUNDS IN MUTUAL SECURITY APPROPRIATION BILL AUTHORIZE TRIALS

There is no point to the administration, or anyone else attempting to justify the House's restriction by asserting that "we provide tens of millions of dollars for other health purposes in this bill."

That is true. Unfortunately, it does not tell the whole story. Every nickel for health provided elsewhere in this bill is needed. But not a nickel provided elsewhere in this bill will be used for this particular purpose unless we in the Senate and the distinguished members of the conference committee eliminate the regrettable House restriction.

The choice is ours: (a) Delay and regret; or (b) a "green light" to the President to move ahead if he so determines.

I reiterate—the President should have the discretionary right to use this money—\$1, \$10, or \$2 million—if his advisers so recommend.

Who are these advisers? They are the top specialists of the National Institutes of Health, the Pan American Health Organization, the World Health Organization, and others.

They are men who may decide that \$100,000, say, could well be used to test a new oral vaccine—a 1 cent pill—or a liquid which might possibly prevent some mass disease. They are men whom we can trust and the President can trust.

## PRIVATE ENTERPRISE, I.E., DRUG COMPANIES WOULD GET "GREEN LIGHT"

Let me point out that section 501(b) represents an approach 100 percent consistent with the American free enterprise system.

No single ally is more important to the concept of the amendment than America's private pharmaceutical industry. It is this industry which will do as much or more than any single force in the world to achieve the concepts implicit in the amendment.

For it is the American pharmaceutical industry which is best qualified to develop mass therapy drugs, for example, which might be taken by tens of millions of people, as a means of rapidly avoiding or curbing or eliminating some infectious type of malady.

## DIFFERENCES AS COMPARED WITH OTHER RESEARCH

Let me further point out that the type of field work contemplated under this amendment can and should be differentiated from the laboratory and other work contemplated under other research legislation.

Section 501(b) contemplates mass studies in the field; e.g., among tens of thousands of individuals in specific regions throughout the globe, particularly tropical and adjacent areas.

To carry out section 501(b) will require the closest possible cooperation with foreign governments, a matter for State Department and ICA attention. Obviously, a field trial cannot take place unless, too, it is, by and large, administered by foreign nationals, e.g., technicians of other governments, and unless policy decisions have first been reached in the highest quarters to cooperate with us.

The fact that a research program will be largely administered by foreigners actually will represent a saving for us. Expenses can thereby be borne partially by the foreign government; our share of the expenses should be a reasonable proportion.

## CONCLUSION

Field trials are crucial. Field trials alone can test the efficiency of a new drug. Yet if this amendment is defeated, the "freeze"—the prohibition—will remain on. And what will that mean?

It will mean that the Senate will have told the House: "Yes, it is perfectly alright for you of the House of Representatives to forbid the Senate to grant the President this discretionary power."

This to me would represent poor policy—poor policy for the Senate, poor policy for the Congress, poor policy for the United States, poor policy for the world.

The PRESIDING OFFICER. The question is on agreement to the amendment offered by the Senator from Minnesota.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I have a second amendment which I offer. It is No. 9-10-59—G.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 5, between lines 10 and 11, it is proposed to insert the following:

Special foreign policy studies: For expenses of the Department of State in procuring, by contract or otherwise, of special foreign policy studies relating to disarmament, weapons control, and possible technical means for enforcing arms control under a reduction of armaments agreement, \$400,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HUMPHREY. Mr. President, the amount of the amendment is in the sum of \$400,000, and the amendment is self-explanatory. It was requested by the Department of State as a sum of money which could be used to implement spe-

cial studies in the field of weapons control, particularly as it applies to the technical aspects of the enforcement of any arms control measure which may be agreed upon.

I believe this amendment is a very important one at this time in light of the recent decision of our Government to reenter the discussions on the subject of disarmament. As my colleagues know a 10-nation commission has just been established at the insistence of the United States.

It appears to me that if we are going to negotiate at the political level on a subject as delicate and as important to our national security as disarmament, we surely should have the technical studies that go along with it.

This amendment has been up before, Mr. President. I regret that the committee has not seen fit to accept it, and I am hopeful that the Senate will now find it possible to accept the amendment.

I filed a statement on the Mutual Security Act with the Committee on Appropriations. Therefore, I shall not burden the RECORD with the details of the statement except by reference.

Mr. HAYDEN. The House refused to accept the amendment in the supplemental bill. We had it under consideration twice. The Senate refused to accept it. Then we had it under consideration in the committee. So it has been twice rejected by the committee, and once by the House of Representatives. There is no possibility of its being adopted.

Mr. HUMPHREY. I appreciate the very candid statement of the Senator from Arizona. I recognize the obstacles which I face in this matter.

I still believe with a deep sense of conviction that I am right. I regret I am not sufficiently persuasive to convince a man for whom I hold a great deal of admiration, the distinguished chairman of the committee, and his fellow members on the committee.

I ask unanimous consent to have printed in the RECORD at this point a letter supporting the amendment, which I have received from the Department of State under date of July 29, 1959. I have reduced the amount mentioned in the letter to \$400,000.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,  
Washington, D.C., July 29, 1959.

The Honorable HUBERT H. HUMPHREY,  
U.S. Senate.

DEAR SENATOR HUMPHREY: This letter contains the information on special foreign policy studies requested in your letter of July 15, 1959, acknowledged by telephone on July 21.

In regard to funds for disarmament studies in fiscal year 1959, the Department included \$70,000 in a supplemental appropriation estimate of \$834,000 (H.R. 13450). House Report No. 2221 allowed \$450,000 for the three activities included in the Department's estimate. Senate Report No. 2350 allowed \$650,000 and stated:

"Specifically the sum allowed will help finance the expanded science program of the Department, provide the funds necessary for the disarmament activities recently



transferred to the Department, and cover the additional costs estimated for expenses of tour directors and interpreters escorting U.S.S.R. delegations of specialists expected to visit the United States under the East-West exchange program in the fiscal year 1959."

Out of the resulting appropriation of \$550,000 (Public Law 85-766) the Department set aside \$70,000 for a contract for disarmament study. This amount remained in reserve until the end of May 1959. By then House Report No. 376 of May 21, 1959, had disallowed the Department's request for funds for the purpose in fiscal year 1960. In view of this House action, later confirmed by the Senate (Rept. No. 424), the Department deemed it inadvisable to proceed with contract negotiations then in progress. With no limitation in the appropriation language or in the committee reports, the Department then (May 1959) reprogrammed the \$70,000 for other necessary purposes.

With respect to a breakdown of our needs in fiscal year 1960, as I indicated in my letter to you of June 2 of this year one of our principal needs is to have sufficient financial resources to enable us to obtain expert evaluations that may be required as a result both of our continuing review of disarmament policy and of developments that may occur during or in preparation for international negotiations. A similar requirement exists with respect to the impact of technological developments on our disarmament policy. In the absence of such evidence, it is not possible to determine in advance the priorities that should be assigned to certain types of studies or to determine the allocation of funds.

Because the Department of State has not had financial resources for technical-scientific studies, we have not developed definite programs concerning specific study projects, their priorities, and the most effective way of organizing them. When it is determined that we will have funds in a specific amount, we plan, with the advice of experts in the field, to make a final assessment of the areas in which scientific-technical facts and analysis are most critical. In the light of the then-existing policy review and negotiation requirements, we would determine the actual programs to be undertaken. We have, of course, already identified the range of studies which would be useful; but we believe it would be most productive to follow the above procedure in selecting those to which funds would be initially allocated. Illustrative of the studies we presently have need for are the following:

1. Further study of improved inspection techniques in connection with an agreement on cessation of nuclear weapons tests.

2. Inspection systems and arms control arrangements for protection against surprise attack.

3. Inspection systems and arms control arrangements that would guard against the likelihood of accidental war or a miscalculated "preemptive" war.

4. The capability of newly developed scientific instrumentation to assist in the verification of arms agreements and continued study of areas where improved instrumentation might assist.

5. Evaluation of inspection systems for policing an agreement that all production of fissionable material be used exclusively for peaceful purposes.

6. Further study of the possibilities of developing scientific inspection capabilities that might make it possible to detect the presence of nuclear weapons.

7. Study of required arrangements for authentication of messages furnished by inspection systems.

8. Study of communication and data-processing systems.

9. Study of the applicability to inspection systems of random-sampling techniques.

10. Study of inspection capabilities to verify the disposition of ballistic missiles.

11. Study of problems involved in possible regional arms control arrangements.

If I can be of any further assistance, please do not hesitate to call upon me.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,  
Assistant Secretary.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. HUMPHREY].

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SPARKMAN. Mr. President, I invite the attention of the chairman of the committee to a matter which I discussed with him briefly, the offering of an amendment on page 21 of the bill, line 5, to strike out the sum \$1 million and insert the sum \$3,100,000. It has to do with urban planning for the smaller cities and towns under section 701 of the bill. The junior Senator from Virginia [Mr. ROBERTSON] is at a meeting at the present time, and I have not had an opportunity to talk with him.

I wish very much that the chairman would consent to take this to conference.

Mr. HAYDEN. The Senator from Virginia [Mr. ROBERTSON] is familiar with the matter, and there will be time when the Senator from Alabama can consult with him. I would not want to accept the proposal at this moment or even consider it without giving my subcommittee chairman an opportunity to be heard.

Mr. SPARKMAN. Of course, I had talked with the chairman and told him I would discuss the matter further with the Senator from Virginia [Mr. ROBERTSON], who is a member of the Appropriations Committee but due to the fact that he is detained for the present, I thought perhaps we could dispose of the matter.

It is true that the amount given in the bill should carry the agency until the first of the year. I do not want to push this matter unduly, and I would be perfectly willing to let it rest with the feeling that, if there is a greater need, when the first supplemental comes up at the beginning of the year it may be considered.

Mr. HAYDEN. I assure the Senator that at the time of the consideration of the supplemental appropriations we will consider it.

Mr. SPARKMAN. This is about the only chance the smaller cities and towns will have. This relates only to towns of 50,000 and less in population. It is about the only chance they have of getting into the urban renewal program, and if the fund runs out, over which there was no controversy between the legislative and the executive, then these smaller places which are not able to maintain full time planning experts, and so forth, are simply left in the lurch. It is important to them.

Mr. HAYDEN. There is quite a substantial sum under that item in this bill.

Mr. SPARKMAN. There was \$975,000 left over from the other fund.

Mr. HAYDEN. Yes.

Mr. SPARKMAN. And \$1 million taken out of the new fund. That makes

a total of \$1,975,000. I believe the agency suggested that they would need close to \$4 million, but, as I have said, it is perfectly agreeable to me if we can have that understanding.

Mr. HAYDEN. I can assure the Senator that when we hold hearings on the supplemental appropriations next spring, if the facts justify it, we shall be happy to consider it.

Mr. SPARKMAN. The chairman says next spring. I wonder how early. Usually a supplemental bill is acted on pretty soon after the new session begins.

Mr. HAYDEN. Next spring. Ordinarily we have some urgent matter which comes up in January. I would say about the month of March.

Mr. SPARKMAN. But consideration will be given whenever the need arises?

Mr. HAYDEN. Probably about the month of March.

Mr. SPARKMAN. I thank the chairman.

Mr. ELLENDER. Mr. President, one of the most arduous peacetime sessions of Congress is now in its closing hours. We have all worked especially long and hard during the past few weeks in an effort to complete our work.

Thus, Mr. President, I am acutely aware of the fact that Senators are tired and are eager to close out this session of Congress. However, I must ask the forbearance of my colleagues. To my mind, we would be remiss in our duty if we simply approved the pending bill, calling for appropriations to the mutual security program, merely because we want to go home.

Mr. President, the pending measure poses a real threat to the economic stability of our Government, and it is now up to the Senate to act in order to reduce, if not eliminate, this threat.

Title I of this bill would make available to our foreign aid program a total of \$3,281,813,000 for this fiscal year.

May I point out to Senators that should this body approve this additional appropriation, the total amount of money made available for foreign aid since the end of World War II will reach an amount in excess of \$83 billion.

I also would like to point out that during this same period of time, the U.S. Government spent only \$11 billion on our much maligned public works programs.

In other words, we have spent more than seven times as much on improving foreign countries as we have to conserve and preserve our own precious resources of soil and water.

In this connection, I recall that the distinguished minority leader made the statement earlier this week that the Senate should uphold the President's veto of the second public works bill on the grounds that it was in the economic interest of our country to do so.

The minority leader said:

There were 46 million youngsters who entered the schools of America this month. They will be the trustees of this country in the future. They are the future custodians. If we mess up the fiscal picture now, what will happen to them? They will have to pay the bill for our mistakes, for our sins of omission and commission.

The distinguished minority leader [Mr. DIRKSEN] made the statement in



connection with his objection to spending some \$800 million in future years for public works in our own country.

Yet the pending bill contains more than four times that amount of spending in foreign countries for this year alone.

Mr. President, I too am gravely concerned over the condition in which we will hand over our country to our grandchildren. I also wonder about the ever-increasing debt load we are bequeathing to the young people of our great country.

In my opinion, the continuation of this wasteful program, which is concerned only with the flinging of American dollars to all corners of the globe, with little or no consideration being given to the impact of this spending on our own domestic economy, is of far greater danger to this country than a modest, well planned, and long-range program of public works.

For one thing, we can see at the very minimum a dollar's worth of accomplishment for every dollar spent on domestic programs. I will not attempt to compute the minute particle, if any, of the value we obtain for every dollar we pour into the foreign aid rathole.

Mr. President, this foreign aid program has become a devouring monster, seeking to suck the very lifeblood out of our economy. I recall the story of the man who adopted a young lion cub. As the cub grew into young lionhood, the man's friends warned him that the animal might become dangerous. He scoffed at these stories, saying that he knew the lion recognized him as a friend and would not attack him. But one night the man accidentally cut himself. The lion got one taste of the blood, and unhappily that was the end of the man who forsook the advice of his friends.

In my judgment, our foreign aid program, which commenced its existence as a lion cub, is now a full-grown lion and is now ready to devour its master.

When this program was begun at the end of World War II, it was estimated that it would cost about \$15 billion to restore the war-ravaged economies of the countries of Western Europe.

This goal was attained by 1953, at which time the economies of the countries of Western Europe had reached unprecedented heights. Yet we have continued to pour billions of taxpayer dollars into these countries since that year and are continuing to do so in the pending bill.

Mr. President, I supported the original Marshall plan and continued to support the program as long as its objectives had not been reached. For this I have no apologies.

However, as soon as the countries of Western Europe were restored to economic health, and the foreign aid program had reached the goals for which it was created, I ceased to support it.

Instead, for the past 7 years I have advocated a gradual tapering off of this program. In my judgment, the program will never end until we begin to slow it down.

The nations of Western Europe will continue to take our money as long as we offer it to them. They will continue to lean on our shoulders.

That is why, Mr. President, I have fought for gradual reductions in the program. Although I have been successful on occasion in securing some reductions in the foreign aid appropriations, I have never been able to reach my ultimate objective, namely, a gradual decrease in expenditures for this wasteful giveaway, because any time reductions have been made, the subsequent year's budget estimate has been inflated to to cover the cuts of the previous year.

This year, despite the way our national debt has grown, the President saw fit to increase his request for foreign aid 26 percent over and above the amount for last year.

Even in this day and time, when my predictions that a continuation of this program would weaken our economy are unhappily coming true, I have been unable to get the Committee on Appropriations to cut one thin dime below the amount appropriated by the House for fiscal year 1960, which, by the way, is \$95.3 million less than the amount in the pending Senate Appropriations Committee bill.

Mr. President, I fear that the time has come for drastic action. We can no longer afford to gamble with our country's economic security. Certainly Congress has not hesitated this year to provide adequately for our military security, but this will go for naught unless we maintain a sound economy.

I ask Senators to consider these unvarnished facts, which, I feel, show the precarious position in which our economy finds itself, mostly because of this senseless giveaway program:

During calendar year 1958, the United States lost the record amount of \$2.3 billion of its gold reserves.

During this same period, the dollar balances and gold reserves of the other countries of the free world increased by \$4.2 billion.

For the first time since the War Between the States, the United States had a deficit balance of payments in 1958, totaling \$3.3 billion, even though it had a favorable balance of trade of approximately \$1.7 billion. What is more, for calendar year 1959 it is estimated that the United States will again have a deficit balance of payments in the neighborhood of \$5 billion.

Our national debt today stands close to \$290 billion, which is approximately \$55 billion more than the national debts of all the other countries of the world, including Soviet Russia.

The value of the U.S. dollar has been steadily declining and is now at the point where it is worth about 48 cents in terms of 1939 dollars. In addition, there is increasing speculation that the United States may eventually be forced to devalue the dollar—something which has never been done in our glorious history.

Foreign countries have invested about \$6.2 billion in New York in short-term Government securities. This has the effect of having the Federal Government borrow money on the open markets from foreign countries at high interest rates, and then lend that same money back to foreign governments at low interest

rates—if indeed the money is not given to these countries as an outright grant.

Mr. President, I have before me an article published in the New York Times of Sunday, September 6, 1959, dealing with the economic dangers which face our country. The article states, in part:

As financial officials see the situation it will do no good to anyone if there is a larger outflow of (foreign) aid dollars, but the dollar becomes of dubious value. This could happen, it is believed, if U.S. payments deficits continue on a large scale for many more years.

Such a deficit means that foreign countries as a whole obtain more dollars than they spend to buy American goods. They can take the difference in gold or can keep it in dollars and invest them in the financial markets in New York.

These invested dollars are potential claims against gold. Already they total \$15,651,000,000 not far below our gold reserves which have dwindled to \$19,524,000,000.

As the claims grow and the gold stock declines, U.S. short-term liabilities might eventually exceed assets.

Mr. President, I ask unanimous consent to have the entire article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**BIG TRADE DEFICIT IS SPARKING MOVE TO CUT AID FUNDS—UNITED STATES WORRIED BY DECREASE IN GOLD STOCKPILE AND RISE IN FOREIGN ASSETS HERE**

(By Edwin L. Dale, Jr.)

WASHINGTON, September 5.—The big deficit in the U.S. balance of international payments, with its resulting outflow of gold and buildup of foreign assets in New York, has begun to have a major impact on administration thinking about foreign aid.

Powerful voices, centering in financial agencies, have begun to argue that the flow of Government capital abroad in the form of aid is too large for the continued strength of the dollar.

The underlying belief in top administration financial circles is that there is an entirely new situation in the world economy, with European currencies gaining strength while the dollar is showing the first faint signs of vulnerability.

#### EMOTIONS IN CONFLICT

The immediate results of this view came in President Eisenhower's trip to Europe, during which he urged that European nations undertake a far greater share of the burden of helping underdeveloped countries.

In a sense, the administration is torn between two powerful emotions. One stems from acceptance of the basic idea that the underdeveloped countries must be helped in the interest of the United States as well as for the good of those nations that get aid.

The other is a growing fear for the future stability of the dollar unless two related things happen: Domestic finances are controlled and the balance of international transactions is righted. The U.S. deficit in international transactions was \$3,400 million last year and will probably be even larger this year.

#### FUTURE SEEMS GLOOMY

As financial officials see the situation, it will do no good to anyone if there is a larger outflow of aid dollars but the dollar becomes of dubious value. This could happen, it is believed, if U.S. payments deficits continue on a large scale for many more years.

Such a deficit means that foreign countries as a whole obtain more dollars than they spend to buy American goods. They can take the difference in gold or can keep



it in dollars and invest them in the financial markets in New York. These invested dollars are potential claims against gold. Already they total \$15,651 million, not far below the gold reserve, which has dwindled to \$19,524 million.

As the claims grow and the gold stock declines, U.S. short-term liabilities might eventually exceed assets. Even that would not necessarily mean a run on gold or some other crises. But U.S. officials do not like to contemplate even the remotest possibility of such an event.

Besides, some of them, looking ahead, are unhappy at the thought of potential pressure on the United States from what, in effect, would be its foreign creditors. The United States, which has been exerting the pressure for years, does not want to be on the receiving end.

Foreign countries are already substantial creditors of the U.S. Government. They have invested about \$6,200 million in New York in short-term Government securities. Thus, as one high official puts it, "we're borrowing short from foreigners at home and lending abroad long."

The recent deterioration in the U.S. balance of payments has come about mainly because of a drop in exports and a rise in imports, not because of an increase in foreign aid. But as financial officials view the situation, foreign aid is the one element in the total balance over which the Government has considerable control.

It is regarded as certain that the new line of thought in the administration will be a major theme in conversations with foreign finance ministers at the annual meeting here later this month of the International Monetary Fund and the International Bank for Reconstruction and Development.

European countries have been running strong surpluses in their balance of payments while the United States has been in deficit.

To U.S. officials this means only one thing: Europe should become a much bigger exporter of capital and the United States a smaller one.

#### NEW VIEW ON INVESTMENTS

Officials worried about international payments deficit are even beginning to take a less enthusiastic view of investment abroad by American business. Up until very recently, this was welcomed on every count, by conservatives and liberals alike.

Now, with the payments deficit uppermost in many minds, an investment abroad is frequently seen as a double blow—first an immediate outflow of dollars, and, second, a probable setback to American exports. The export loss occurs when an American manufacturer, for example, builds a plant in Europe to share in the common market rather than try to sell goods made in the United States.

This feeling accounts for the Treasury's opposition to a bill to provide new tax incentives for foreign investment unless its benefits are limited to investments in underdeveloped countries.

A reflection of the growing concern about the international payments position of the United States came in the administration position on the Development Loan Fund in the foreign aid bill. The President refused to support a Senate move to put the fund's financing on a long-term basis, increase its lending authority, and get around the Appropriations Committees, even though the President's original position backed all three ideas.

Another reflection of the new line of thought, paradoxically, is U.S. support for the new International Development Association, even though this will cost the United States \$330 million. Such a new institution has several merits in the eyes of an official worried about the U.S. payments deficit and the problem of the underdeveloped countries.

It puts Europe in the lending picture for the first time on a formal, multilateral scale.

Because it will be equipped to make "soft" loans—loans with easy terms and repayable in the currency of the borrower—it should eventually ease the pressure for a larger and larger Development Loan Fund in the United States. The loan fund also makes this type of loan.

Mr. ELLENDER. Mr. President, I think it is very clear to anyone who will take the time to seriously consider these facts that the economic stability of this Nation is periled by this situation.

On the one hand, our national debt is growing higher, while, at the same time, the demand for U.S. bonds is lessening to the point that Congress has been asked to remove the present limitation on interest rates for these securities.

Furthermore, we are continuing to pour millions of dollars into the very countries which are our economic opponents in the peaceful battle for world trade.

The current foreign aid program has been disguised by its bureaucratic bosses as a program which gives aid only to underdeveloped countries of the world. They contend that they want to help only the people who cannot help themselves or have not been able to help themselves.

I submit, Mr. President, that this is merely frosting on the cake.

The pending bill contains an item of \$1.3 billion for direct military assistance to the free-world countries. Yet approximately half of this money is programmed, not for the underdeveloped nations of the world, but for the prosperous countries of Western Europe.

In my humble judgment, the countries of Western Europe are well able to bear their own defense burdens, instead of looking to Uncle Sam to foot the bill for their own protection.

Since we have been generous with the countries of Western Europe in the past, and have restored them to economic health, it is folly for us to continue to help equip their armies, when all we accomplish thereby is to permit them to be more competitive with us in economic fields.

In addition, many of the dollars spent on the loan and grant programs carried out under foreign aid to the underdeveloped countries of the world, end up in Western Europe, simply because we do not place any restrictions on where the dollars may be spent.

In that connection, Mr. President, consider the Development Loan Fund program. There are no restrictions as to how and where loan proceeds from the Development Loan Fund must be spent. Loans can be made to India, Pakistan, or any other country in the world. Yet, after we lend them dollars, they can spend those dollars anywhere they desire. Believe me, Mr. President, when I say the record shows that a large amount of this money is spent in Europe. In other words, our dollars ultimately further develop the economies of the countries of Western Europe which now are very prosperous.

Mr. RUSSELL. Mr. President, will the Senator from Louisiana yield to me?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Does the Senator from Louisiana yield to the Senator from Georgia?

Mr. ELLENDER. I yield.

Mr. RUSSELL. I wonder whether the Senator from Louisiana has had called to his attention the point that in the case of some of these loans which are made in good dollars, and which we hope will be repaid in what is very soft currency, in most instances the borrowers disregard American contractors, when arranging for the construction of the dams, roads, and other projects, and prefer to use European contractors, and pay them with these dollars; and we wind up with a mess of soft currency, for which we do not have the slightest use; and the American people, who have to pay the taxes from which this money is obtained, have no opportunity whatsoever to participate in that work.

Mr. ELLENDER. The Senator from Georgia is entirely correct. The record shows that 80 percent of the loans made under the development loan fund program are repaid in soft currencies, and only 20 percent are repaid in hard currencies.

As the Senator from Georgia has just stated, when the loans are made, the borrowers purchase goods wherever they can obtain them for the least amount of money; they place their contracts with those who will do the work, provide the goods, for the least amount of money. Under those circumstances, few purchases are made in our country. Few Americans benefit. Believe me when I say that, Mr. President.

For instance, when the borrowers have purchased turbines with which to generate electricity from falling water, many of the generators have been purchased from firms located in Germany, France, Italy, and the United Kingdom.

Here we are providing dollars with which to assist the underdeveloped countries. However, not only is the money spent in the prosperous countries of Western Europe, but the money is ultimately used—as I shall point out later in my remarks—to further deplete our gold reserves. Whenever our dollars get into the hands of a foreign country, that country can convert them into gold, if they so desire. American citizens cannot do this, but whenever any of the money which flows out of our country falls into the hands of a foreign country, that country can obtain our gold for it. That is why our gold reserves have been decreasing recently, Mr. President.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. JOHNSTON of South Carolina. Is it not also true that several of the countries to which we are now lending our money obtain it at low rates of interest and then turn around and lend the money to other nations at higher rates of interest?

Mr. ELLENDER. Yes; and I was somewhat amused a while ago to hear the Senator from New York plead with the Senate to appropriate \$500 million more for the Development Loan Fund



for the year 1961. His reason for this was the hope that we could entice our friends in Western Europe to inaugurate a fund with which to assist us in aiding underdeveloped countries.

Mr. President, so far as I am concerned, I would not wish to see our country put up another dime in that connection. There will be ample opportunity for the Congress to appropriate additional funds whenever the countries of Western Europe show their hands, and clearly show that they are moving in that direction. Certainly there is no indication that such is the case, because in the pending bill we are giving them over \$600 million of grant aid.

Mr. JOHNSTON of South Carolina. Is it not also true that at the present time Western Germany is paying back the money it borrowed from us, although she could pay it back much more rapidly, but, at the same time, she is lending money to the countries of Africa at high rates of interest?

Mr. ELLENDER. Yes. One cannot find harder working people than the people of Western Germany. But the record shows that because of the presence of our troops in Western Germany, much money is spent there annually, by our Government, to sustain our own troops.

I say to the Senate that today Germany and the other countries of Western Europe are so prosperous that they should be able to carry their own military burdens.

But the amendment which I will submit will still leave in excess of half a billion dollars for military assistance to Western Europe.

As I have stated, all I am requesting is a cut of \$100 million—I ask my colleagues to remember that—in the amount which otherwise would be provided for military aid. Over \$600 million in military assistance provided by this bill will go to countries which are the most prosperous, namely, the countries of Western Europe, exclusive of Greece and Turkey.

Mr. RUSSELL. Mr. President, will the Senator from Louisiana yield again to me?

Mr. ELLENDER. I yield.

Mr. RUSSELL. Let me add that not only are many of these countries as prosperous as the United States is, but, in addition, they certainly do not have to mortgage their futures, in order to take care of these expenditures.

Mr. ELLENDER. Certainly the Senator from Georgia is correct.

Simply stated, Mr. President, we are using our money to subsidize industry in the prosperous countries of the world, so that they can compete with us. We do not have to be experts in economics to realize that this competition is now beginning to hurt our own domestic business enterprises.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. ERVIN. I should like to make a statement, and then ask a question. If the information which I read a few days ago, to the effect that the United States has a larger national debt than all of the

other nations on the face of the earth put together is true, then these other nations are better off than we are.

Mr. ELLENDER. May I tell my good friend that I have just stated for the RECORD that our debt is \$55 billion more than the combined debts of all the other countries in the world, including Russia.

Mr. MORSE. Mr. President, will the Senator yield for a further question?

Mr. ELLENDER. I yield.

Mr. MORSE. The Senator is talking about the state of prosperity of countries which are still getting large amounts of money from the American taxpayer. Would the Senator like to comment on the difference between the amount of taxes which are collected in this country from our taxpayers and the taxes that are not collected from the taxpayers of those other countries?

Mr. ELLENDER. In the past I have placed in the RECORD lists of those taxes. Of all the countries in Western Europe, the British people are about the only ones who pay in full measure. "Britain has ways and means of forcing her people to pay their taxes, as is done in our own country. But when we consider the situation in France, Italy, Greece, and other countries in Western Europe, we find that about the only taxes the people actually pay there are excise taxes. When it comes to income taxes, those people are able to evade them."

May I say that with the prosperity now being enjoyed by Europe, if those countries could actually collect the taxes from their citizens which their laws impose, they would not need a dollar from us. On the contrary, they could be assisting us to carry the load of helping underdeveloped countries.

As I have said many times before on this floor, so long as we provide the dollars, I do not expect the countries of Western Europe to make a move toward helping the underdeveloped countries. They are going to continue to lean on us so long as we permit them to do so.

Mr. MORSE. Mr. President, will the Senator yield for one more question?

Mr. ELLENDER. I yield.

Mr. MORSE. I think the Senator from Louisiana has put his finger on what is a very vital problem, which we are going to have to face. I have been severely criticized for trying to make savings on what I considered to be inexcusable waste in the foreign aid program. One of them involves this very point. I do not propose to vote hundreds of millions of dollars to be used by these prosperous countries, because what it really adds up to, when one gets to the bottom of it, is that we are asking the taxpayers of the United States to assume the tax burdens of a lot of tax evaders in those countries that are getting hundreds of millions of dollars from us, when those taxpayers are capable of paying a heavier tax load. They are "passing the buck"—and I think that is a good figure of speech—to the American taxpayer.

Mr. ELLENDER. The distinguished Senator from Oregon is right. I go back to the proposition I previously referred to, namely, that the countries of Western Europe have never been as prosperous as they are today. I am not permitted to

state what each country obtains by way of cash from our country by virtue of the presence of our Armed Forces in their countries, but such expenditures for the current year will amount to over \$3 billion.

We send money abroad to maintain our own troops and to carry out our share of obligations under the NATO, SEATO, and other agreements.

To further answer my good friend from Oregon, as I have just pointed out, almost every dollar that we appropriate in this country for the Development Loan Fund will not find its way back to our own country. Instead, the borrowers are going to purchase what they need where they can get those products the cheapest—and that is in Western Europe or Japan.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. I yield to my friend from Georgia.

Mr. TALMADGE. Is it not true that our gold reserves are the lowest now that they have been in some 20 years?

Mr. ELLENDER. The Senator is correct. We have a little over \$19 billion in gold reserves, when only a few years ago such reserves totaled some \$24 billion.

Mr. TALMADGE. Is it not true that for 1958 our net balance of payments showed a deficit of \$3 billion?

Mr. ELLENDER. If I may advise my friend, it will be \$5 billion in 1959.

Mr. TALMADGE. So all the money that we spend overseas in this effort will help increase the net deficit in our balance of payments; is that correct?

Mr. ELLENDER. That is right. That is what we are doing. I do not want to say to Senators that the foreign aid program is entirely responsible for that. I do not say that.

Mr. TALMADGE. But it is a contributing factor?

Mr. ELLENDER. It is the major contributing factor.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. TALMADGE. Is it not also true that many American manufacturers and corporations are building branch factories abroad, so they can utilize relatively cheap labor in reference to the cost of ours, and employ people in those countries, while our own people are losing jobs in this country? In other words, we are exporting jobs as well as sending money overseas. Is that correct?

Mr. ELLENDER. The Senator is correct. I do not recall the exact figures now, but it is my recollection that during the past 4 or 5 years the export of our capital to England alone has increased 8 or 9 times. What is happening is that General Motors, Ford, and other large U.S. companies find it convenient to build factories abroad to take advantage of cheaper labor. Of course, that means an additional outflow of American dollars. All of those facts added together increase the deficit in our balance of payments and put us in the red in so far as that balance is concerned.



Mr. TALMADGE. I thank the distinguished Senator. I compliment him on the fight he is making for the American people, the taxpayers, and the American economy.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to my colleague.

Mr. LONG of Louisiana. The Senator will recall, I am sure, that some years ago we were told we had to give \$17 billion to Europe because they would not be able to pay it back. Let me ask the Senator if it is not true that those same European countries now hold enough dollar credits to practically empty Fort Knox. We have given it to them, and they now have all the money it would take to pay it back, if they ever had the desire to do it.

Mr. ELLENDER. As I pointed out, foreign nations hold almost \$16 billion in claims against our Government in the way of dollars, bonds, and other securities.

Mr. LONG of Louisiana. That is held by those same countries.

Mr. ELLENDER. Of course. They are all prosperous now.

Mr. LONG of Louisiana. Out of the \$17 billion we gave to them \$2½ billion was applied to abolish the national debts in 6 countries.

Mr. ELLENDER. Mr. President, I also wish to point out that today we are suffering the results of some of the things we did in this field a few years ago. Since that time some of our hard-earned cash has been used to develop automobile factories in France and Italy. Now those factories are in competition with U.S. factories. One can see these little "bugs" going about the streets in abundance. [Laughter.] I do not know what the increase in such vehicles has been, but every time I go from my apartment to the Capitol I see those little cars in abundance. Sometimes I feel as though I will run over them. They are on the streets in huge numbers, and the increase will no doubt continue.

As I have pointed out, we are making it possible, through the expenditure of our borrowed dollars, the outflow of capital from the United States, and for foreign competition to flourish. These expenditures are going to cause us to have a deficit in our balance of payments of about \$5 billion this year. If we continue it will mean either more taxes for our people or that we will go deeper into the red.

What has made America great is the initiative of our people. We can destroy that initiative overnight if we foist on the American taxpayer a tax burden so great as to stifle initiative.

Mr. President, what really makes me angry is to see the prosperous countries of Western Europe not only balancing their budgets but decreasing the taxes. We are sending borrowed money to those countries, and now we are being asked to raise the ante on our own interest rates. Why, Mr. President, every time we raise the interest rate 1 percent on our huge debt we add to our tax load a carrying charge of \$2.9 billion per year.

Imagine that.

And yet that situation is going to exist until we start to reduce our debt. I cannot see any possibility of our reducing our debt in bad times, if we cannot do it in good times.

Let us consider last year. The record shows that with all the prosperity in our country our national debt increased \$12½ billion. If in good times we cannot reduce our debt, what is going to happen in bad times?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to my friend.

Mr. LONG of Louisiana. Is it not true that we have paid off the national debts of six European countries with our foreign aid money, and we are now deeper in debt than all the nations on earth put together?

Mr. ELLENDER. Plus \$55 billion, I want to remind my colleague.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ERVIN. I will ask the Senator if, as a matter of fact, Congress has made any bona fide effort to pay-off any part of the national debt?

Mr. ELLENDER. We could not. Our expenditures are greater than the amount we take in.

I will say to my good friend, he will remember that we were supposed to have a balanced budget during fiscal year 1958. I think we were in the black by about \$1.5 billion. However, within 3 or 4 months after June 30 we were in the red again. What happened, I believe, is that we did not pay our bills on time, and therefore a little money was left over. There has not been a legitimate balanced budget in this country for many years.

Mr. ERVIN. Is this not the tragic truth: That the Congress has been appropriating the unearned income of unborn generations of Americans who are to be left as a legacy the biggest debt which one generation ever saddled upon another?

Mr. ELLENDER. There is no doubt about that. Our debt has never been so great as it is now. I hate to say it, but I do not see how we will be able to pay it. When our country's national debt is more than that of the rest of the world put together—including Russia—plus \$55 billion, it is time for the Senate to take a good look before we continue these programs.

Mr. President, it is my considered opinion that there are two areas in the pending bill where cuts could very easily be made—namely, military assistance and defense support.

Mr. President, I offer an amendment which I send to the desk, the purpose of which is to cut the military support program from \$1.3 billion to \$1.2 billion.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 2, line 8, it is proposed to strike out "\$1,300,000,000" and to insert in lieu thereof "\$1,200,000,000."

Mr. ELLENDER. Mr. President, this amendment would reduce the amount of money for military assistance by \$100

million. I might point out at this time that this amendment was rejected by our own Appropriations Committee by a tie vote of 13 to 13.

As I have previously stated, a good portion of this money is programed to be spent to help the countries of Western Europe defray the costs of modernizing their own armies.

Based upon the administration's justifications, in excess of \$600 million is programed for this area of the world.

I cannot for the life of me understand why we should be asked to contribute more than \$600 million to help maintain armies in countries which are now more prosperous than they have ever been.

During the course of the Senate hearings on this bill, I asked Defense Secretary McElroy why more efforts were not being made to have the countries of Western Europe carry more of the burden.

I would like to read from that hearing:

Senator ELLENDER. I have only one question, Mr. Secretary. I am not going to go into any details of the programs in various countries.

However, the record already made will show that I have expressed the belief that many of the countries receiving assistance from us should be helping us with the burden we are carrying rather than obtaining aid from us. Your statement indicates that efforts are being made to get these countries to do more, but, nevertheless, we continue to assist them.

What recent efforts have been made to get these people to give more assistance to us?

Secretary McELROY. More assistance to themselves, I think, is the way I would say it. The things that have been going on include the purchasing of equipment by the Germans for the equipment of their forces.

Senator ELLENDER. The Germans are well able to do that.

Secretary McELROY. I agree, sir.

Senator ELLENDER. In the past, however, we have given Germany vast sums of money which have contributed in no little way to her recovery.

Secretary McELROY. That is right.

Senator ELLENDER. I am just wondering why other countries in Western Europe are unable to do what the Germans are doing.

Why is not more effort made to get them to assist us?

Secretary McELROY. I think your belief is that we are not doing as much as we should and I think you may be right, Senator.

Senator ELLENDER. You mean in that direction?

Secretary McELROY. That is right.

Senator ELLENDER. That is what I have been talking about. Your predecessor said he was going to do it. What are you doing now?

Secretary McELROY. I think conditions were less favorable during the time of my predecessor than they are now, sir. I think the financial position of the Western European countries has very considerably strengthened in the last 2 or 3 years.

So I have far greater agreement now with your position on the strength of it than I think I could have had, say, 3 years ago.

In my opinion, France is an example of a country where there must be considerably greater support of their military establishment, out of their own resources.

It is apparent from this testimony that even Secretary McElroy would like to have more help from the countries of Western Europe in preparing for their own defense.



Secretary McElroy cited France as an example of a country which must give greater support to its own military establishment.

Yet, do Senators know that France is programmed to receive more than three times the amount of military assistance under the pending measure than she received during the last fiscal year?

What is more, this action is being taken in the face of France's request that we remove our airbases located there merely because we will not hand over our atomic weapons to General De Gaulle.

In other words, we are telling the French, "Kick us in the teeth when we are trying to help you defend your own country, and in return for this, we will treble the amount of money we give you."

If this is a precedent, then perhaps all of our other so-called allies will order American fighting men from their soil, just so they can receive increased grants under the military assistance program.

But above and beyond this, the high dollar balances and the vast gold reserves presently held by the countries of Western Europe should preclude the necessity of us furnishing aid to these countries, even if there are no other good and sufficient reason.

Mr. President, as I have previously stated, the dollar balances and gold reserves of the Western European countries will continue to increase during this fiscal year because of the dollars which will be spent by the underdeveloped countries as a result of grant economic assistance, and Development Loan Fund dollars received from us.

In addition, our own Defense Department will spend overseas in excess of \$3 billion in fiscal year 1960, and this entire amount will enter into the international balance of payments picture to further contribute to our alarming deficit balance of payments.

I have at my desk a table entitled, "U.S. Defense Expenditures Entering the International Balance of Payments," which shows how these dollars will go to the countries of Western Europe.

Unfortunately, this table has been labeled "secret" and I cannot make it available to the American public.

However, I invite Senators to come by my desk and look at these figures. They show only too well that, for the most part, these dollars are going to go directly into the pockets of those countries which have the least need for more American dollars.

I would also like to point out to Senators, that in addition to Western Europe, our former enemy Japan is in for a sizable portion of the military assistance appropriation. However, I am not able to give that exact figure since it has been labeled "secret." Suffice it to say that it is a large amount.

Mr. President, I am able to tell—it is not a secret—that Japan spends only between 1 and 2 percent of its gross national product for defense, as compared to our expenditure of 10.4 percent of our gross national product.

Augmenting the money we are spending in Western Europe and Japan through this military assistance pro-

gram, and the spending there by our own Defense Department, there will be a large amount of private investment flowing into these very same countries.

For calendar year 1958, U.S. private investment overseas amounted to \$2.9 billion and the bulk of this amount was invested in Western Europe.

To further increase the dollar balances and the gold reserves of these countries, there are vast amounts of tourist dollars which will also be spent in these countries during the coming year.

For calendar year 1958, tourism resulted in \$2.2 billion being spent in the countries of Western Europe alone.

In other words, Mr. President, as our national debt grows to new levels, and demands are made for the Federal Government to raise interest rates, our so-called allies are continuing to enjoy almost unlimited prosperity.

They are able to reduce their national debts and, in many cases, their taxes, while we are faced with the grave threat of a run on our dwindling gold reserve and, for the second successive year, a deficit balance of payments.

Mr. President, there are four ways in which U.S. dollars find their way into the pockets of the prosperous countries of Western Europe and Japan:

Through Defense Department spending to support our troops based in these countries, through private investment by U.S. citizens, through tourist spending, and finally through foreign aid.

I do not believe that any Senator feels that Congress should enact any type of restriction on the rights of individuals either to invest their money in a foreign country, or to visit a foreign country as a tourist.

Likewise, it is necessary for us to maintain our own armed services in foreign countries, and the resultant military spending must be continued, although I do believe that some reductions could be made in this field.

Through the process of elimination there is only one area where we can make a reduction in this outpouring of American dollars, and that area, Mr. President, is foreign aid, since this is the only field over which we can exercise any control.

As I have said many times in the past, we must mark a beginning of the end of foreign aid programs. This country cannot take the position that every year from now until eternity—or bankruptcy—we shall continue to spend some \$3 billion per year on aid to foreign countries.

In my judgment, a step in that direction would be a favorable vote on my motion to reduce military assistance spending for this fiscal year by \$100 million.

I ask that the Senate adopt the amendment.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALTONSTALL. Mr. President, I hope that the amendment of the Senator from Louisiana [Mr. ELLENDER] will not be adopted. I should like to speak very briefly on this subject.

The Appropriations Committee gave careful consideration and devoted long hearings to these questions, and particularly the question of military assistance. We realized that the House had gone into the subject very thoroughly. We took several votes in committee, and decided to leave the amount as the House reported it. I hope the Senate will support the committee in that action.

I say that for this reason: The President's original request was for \$1,600 million. This was cut down in the authorization bill to \$1,400 million in the final authorization. I think the Senate voted for \$1,300 million, and the conference reported \$1,400 million. The House allowance was \$1,300 million. If the Senator's amendment is adopted the amount will be reduced still lower, to \$1,200 million.

I point out that the Draper Committee, which was an objective committee of responsible citizens, recommended that the amount should be \$2 billion rather than even the \$1,600,000 which the President approved.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield to the Senator from New Hampshire, the senior member of the committee on the minority side.

Mr. BRIDGES. Is it the Senator's position that, having arrived at a figure on this bill for the various items, he is not only going to oppose any decreases, but he is going to oppose any increases; that he is going to support the bill as it is?

Mr. SALTONSTALL. That is correct. We had a discussion on both sides of the table in the committee room, and we agreed that we would not ask for any increases and would refuse any decreases, but would support the bill as it came out of the committee.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me?

Mr. SALTONSTALL. I yield.

Mr. JOHNSON of Texas. A few moments ago the Senator from New York offered an amendment increasing the amounts in the bill, and I urged the Senators not to support that amendment because I thought the bill the committee had reported was the best bill obtainable. It is very close to the House bill. The House committee had long, extended hearings, as did the Senate committee. I do not believe that we could improve on the bill by adding amendments on the floor either increasing or decreasing the amounts, and I hope the amendment of the Senator from Louisiana will not be accepted.

Mr. BRIDGES. I agree with the position of the majority leader and the Senator from Massachusetts. I think they have stated a position which certainly was the general attitude of most of those present, and in which I concur.



Mr. SALTONSTALL. I thank the Senator from New Hampshire. I spoke to the Senator from Texas, and I told the Senator from New York that I could not support his amendment, though personally I favored a bigger development loan fund.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield to the Senator from Illinois.

Mr. DIRKSEN. The original request was for \$1,600 million. The House figure was \$1,300 million. The Senate committee figure is \$1,300 million. The Draper committee, which went all over the world and examined into every sensitive area, still felt that this was too low and that \$400 million should be added.

Mr. SALTONSTALL. The Senator is correct.

Mr. DIRKSEN. I am delighted to hear the majority leader say that in his judgment the committee figure ought to be supported and that the amendment now pending to cut military assistance by another \$100 million ought to be voted down.

Mr. SALTONSTALL. I hope that the Senate will stand by the committee and refuse the amendment of the Senator from Louisiana.

Mr. RUSSELL. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were not ordered.

Mr. RUSSELL. Mr. President, I regret that the Senate refuses to go on record as to this amendment. I do not know the reasons which prompt that action. It has been customary when amendments of his kind have been offered in committee and have been voted upon by a very close vote in the committee and then brought to the floor of the Senate, for the Senate to have a record vote.

I do not know whether the decision grew out of the statement of the Senator from Massachusetts that the committee agreed not to offer any amendments on the floor. At least he left the inference that the committee agreed not to offer any. I was not present when any such agreement as that was made. On the contrary, I had understood that the Senator from Louisiana had stated specifically that he would carry the amendment to the floor.

Mr. BRIDGES. Will the Senator yield to me?

Mr. RUSSELL. I yield.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until the Senate is in order. The Senator from New Hampshire may proceed.

Mr. BRIDGES. I do not think there was any agreement of the committee. The committee did not agree to that end, I will say; it was only an agreement among some of the members of the committee. Many of them may have differed with that, and some of them probably had a different opinion, but there was an agreement among some of the members of the committee, and that is what the distinguished Senator from Massachusetts was referring to.

Mr. SALTONSTALL. Will the Senator yield?

Mr. RUSSELL. Yes.

Mr. SALTONSTALL. I do not want to leave any inference that the Senator from Louisiana agreed not to offer any amendment. What the Senator from New Hampshire states is correct. I should like to make it clear that there was discussion on both sides of the table among some of us to the effect that we would not offer any amendments.

Mr. RUSSELL. Many of these amendments have been brought to the floor of the Senate in the past few years. Almost invariably for the past 5 or 6 years they have been voted on, and until this year the Senate has not displayed any hesitation about going on record on the amendments.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LANGER. I agree fully with the distinguished Senator, and I should like to ask him: Were the yeas and nays ordered?

Mr. RUSSELL. No. The Chair stated that the Senate had refused to go on record on this matter of very vital importance to all of the American people, and I dislike, Mr. President, to see the Senate put in a position of being afraid to go on record on a matter of this importance.

Mr. SMATHERS. Mr. President, I am one of those who would like very much to support the amendment. I know there are many others who would like to support the amendment who did not ask for an opportunity to speak on it when the Senator from Louisiana was making his explanation about it because we thought it might precipitate further debate. We wanted to get to a vote, but we did want to get on record.

If we do not have an opportunity to get on record with a vote, then I, and I am sure many others, are going to take a little time and explain why this amendment should be adopted; and it seems to me that if it is a fact that the leadership wants to get on with the debate, the quickest way in which it could be done would be to ask for the yeas and nays and have a vote.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, I will not detain the Senate very long. I wish to say only a few words in opposition to the amendment.

A good deal has been said in the press about the welcoming of Mr. Khrushchev, who will arrive next Tuesday. If we want to give him a really warm welcome, I can think of nothing better to please him than to cut this appropriation further. He will then recognize that the Senate and the Government have no disposition to put up real opposition to him, and I am sure, if he does nothing else, he will go away extremely pleased by the action of the Senate to further cut the appropriation for our defense effort.

The President and all of the military people have recommended \$1,600 million. The House of Representatives,

which is notoriously parsimonious on matters of this kind, in fact on anything in the foreign field, recommended \$1,300 million, and now some Senators want to go the House one better.

I must say I find it very distasteful to have to get up and defend the appropriation in view of the attitude of the President on our civil works program, on housing, and several other things. However, we spent many months in committee studying this program, far longer than the Appropriations Committee. We recommended \$1,600 million, not because we want to throw away the public's money, but because all of the administration, civilian and defense, made a very good case that this money will be well spent in our defense.

They all make the point that a dollar spent in equipping foreign troops, because of the lower cost of all kinds of materials and especially for the upkeep of the troops, goes further in the field than it does here. It is true, perhaps, that those troops are not so reliable as ours. I would not want to argue that point. But some of the foreign troops are very useful and are used in opposition to troops of a similar nature in Asia, for example, as well as in Europe. They are extremely useful. But, in any case, I do not set myself up as an authority, trying to prove to the Senate on the merits that this money is needed. I only cite the authority we have in this country, the Joint Chiefs of Staff, and, as I recall, the Draper Committee, composed of some of the leading military leaders, including Admiral Radford, General Draper, and two or three other admirals, whose names I cannot recall at the moment. But the opinion was very heavily weighted among the military, many of whom have recently retired from the service, but who certainly are not out of touch with affairs. They not only recommended \$4.6 billion, but also an additional \$400 million for the NATO area, which the committee recommended in the provision with regard to the allocation of these funds.

I do not know what more I could say to this body. If the Senate wishes to cut it, it may. I say that to cut more from this project is to weaken the hands of the President in the forthcoming meetings and demonstrates an unwillingness to support the foreign aid program.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SALTONSTALL. I know the Senator from Arkansas will agree with me when I say that more than one-third of this amount is allocated to the Far East, where there is so much of a problem today.

Mr. FULBRIGHT. The Senator from Massachusetts is quite correct. We are now faced with the so-called brush wars, which have already broken out. We are already sending small arms into the area. I do not know what we are thinking about when we want to reduce this amount. If it is the wish of the Senate to do it, then I suppose logically all of it should be cut out. To do this would



indicate that we have no confidence at all in the whole program.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JOHNSON of Texas. Mr. President, I commend the very courageous attitude expressed by the Senator from Arkansas. He has great knowledge in this field. He spent several weeks holding hearings in connection with the authorization act. It is very odd for any of us to come along now and say "Oh, this is foreign aid," and vote to reduce the amount. I think the Senator from Arkansas has expressed the thought which should be expressed, and I hope the Senate will not further reduce the amount in the bill. I think it is already weak enough.

Mr. FULBRIGHT. I would go one step further and say that if the amount is reduced substantially, the President will insist on calling Congress back into session, and I think he would be justified in doing so, because we are dealing with the defense of the Nation, not with luxuries within the countries. There are many things we would all like to have, which we know are not absolutely essential to our defense. All the best minds in the Government, such as they are, agree that this program is essential.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. I commend unqualifiedly the position taken by the distinguished Senator from Arkansas, chairman of the Committee on Foreign Relations. I remind the Senate that substantially more than one-third of this amount will go to NATO countries. I remind the Senate that it has been widely publicized that the first objective which our esteemed guest of next week has in mind is the breaking down of the NATO association. It seems to me that nothing could be more calculated to make it clear that we do not stand ready to fulfill our commitments in NATO and NATO countries than to reduce this particular item.

Two or three weeks ago we passed the authorization bill. In the bill now before us we have already cut the amount for this item down to \$100 million less than the amount authorized. We are \$300 million under the budget request. It seems to me that for us to cut the amount again at this time, and at this critical hour, and when so much of the amount will go to the NATO countries, would be just about the worst thing we could do because it would indicate an unwillingness to stand by our obligations under the NATO agreement.

Mr. LONG of Louisiana. Mr. President, I shall not burden the Senate for more than 2 minutes. The junior Senator from Louisiana has spoken on this subject on the floor of the Senate many times. It has been one of the most frustrating experiences he has had in his life. Every time waste, graft, and mismanagement have been exposed, the answer has been: "More money." The answer has not been to find some way to cut the waste and graft, it has simply been a demand for more money.

The point has been made that one-third of the money will go to the NATO countries. When I first came to the Senate, I was firmly convinced that I should not vote for the foreign aid program. Then I heard the great speech by Senator Vandenberg, and I voted for a higher figure.

Subsequently I made some study of the matter. We were told we had to give the money to Europe, because Europe could never pay it back; they would never be able to pay it back.

I ask Senators to check the record. The European countries hold \$17 billion of credits against Uncle Sam. As I said earlier, they can almost empty Fort Knox. Give them about 2 more years, and they will call on those credits. Once they know we do not have enough gold to pay, there will be a rush on the banks to empty Fort Knox. Europe has enough with which to pay for everything we have given them.

Oddly enough, the \$17 billion which Europe is holding works out to the same \$17 billion we gave—yet it was said that this money must be given, because Europe would never be able to pay it back.

I am told that one-third of the money goes to the NATO countries. We have paid off the national debt of six of those countries. We have paid off the whole debt. They are debt free. I am happy to be able to say that. But the United States is deeper in debt than all the other nations of the earth put together. Yet we paid off their debts.

I am very happy to know that somebody is not in debt. The United States paid its debts but it is deeper in debt than all the other countries put together.

We ought to insist on some commitment. One would think that by the time we had given them all that money—\$4 billion, \$5 billion, or \$6 billion a year—they would do something in return for it.

For many years we have had a program of Federal aid to the States. If a State wants highway aid, welfare aid, or any other kind of aid, it is necessary for it to make many commitments. Down my way, it is necessary to agree to so many conditions in order to get highway aid that some say we should turn the whole program down.

But there is a whole string of Federal aid conditions. The President has practically told the States that if they want Federal money, they will have to agree to meet certain conditions to get it.

But how many conditions do Senators think the countries of Europe agree to in order to get our money? Not a single one. None. They take the money, and do with it pretty much as they please. Much graft has been exposed in the program, but when the charge of graft is raised, the answer is always the same: "Give them more money."

Until we can find some way to make this program begin to make sense, it seems to me that some of us have a right to protest against the way the program is being managed.

The senior Senator from Louisiana [Mr. ELLENDER] knows that, with respect to our own public works, every time it is desired to construct so much as a drain-

age creek in Louisiana or anywhere else in the United States, it is necessary to spend 10 years justifying it. It is necessary to have the approval of the Governors and everyone else affected. By the time the project is authorized, par for the course often has been 10 years for major projects before the first money was made available.

In Europe, however, some 2,800 construction projects have been authorized, and a thousand were abandoned. They were abandoned because they were not justified in the beginning. Yet we go ahead and appropriate for such projects.

Until we begin to make some sense out of this program, we are well justified in squeezing down on the amount of money and trying to find some way to get some benefit out of the money. Otherwise, it seems to me that spreading it around 60 nations affords us very little in return.

I wish to state that it is true that a foreign soldier can be armed more cheaply than can an American soldier. The only trouble is that once we arm the foreign soldiers—even if we do so more cheaply—we cannot be sure that they will fight for us when we need them.

For instance, consider the situation in connection with the attacks on Laos. My guess is that \$1 out of every \$60 that we provide by means of this program goes to Laos. When the fighting starts, however, we have to send our own troops; no other troops go to help us.

Therefore, while it is true that a foreign soldier can be armed more cheaply than can an American soldier, the vital point which we must keep in mind is that when the fighting starts the foreign soldiers may stay home, and we can only count on our own soldiers to engage in the fighting. The result is that all the money we spend on arming foreign troops is wasted if we do not obtain any good results from those expenditures.

Mr. President, my senior colleague [Mr. ELLENDER] has submitted an amendment which, if agreed to, will help us avoid a great deal of waste, and will help us obtain some tangible results from the money we spend.

I hope the amendment will be agreed to.

Mr. ELLENDER. Mr. President, I shall not repeat the arguments I have previously submitted.

At this time I merely wish to emphasize only one point: namely, that out of the military assistance of \$1.3 billion now provided in this bill \$634 million is programmed to go to the countries of Western Europe which are well able to take care of themselves.

My amendment does not affect the funds which will go to Turkey, or to Greece, to the Far East, or to southeast Asia.

Mr. President, I repeat that the countries of Western Europe are well able to maintain their own defense establishments—to provide their own armed forces with needed military equipment. Therefore, I propose that \$100 million be deleted from the funds proposed to be made available to the countries of



Western Europe—countries which are just as well able to pay such costs as the United States.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The question is on agreeing to the amendment of the Senator from Louisiana.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Massachusetts [Mr. KENNEDY], the Senator from Montana [Mr. MURRAY], the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I also announce that the Senator from Indiana [Mr. HARTKE] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Missouri [Mr. SYMINGTON] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent on official business of the Joint Committee on Atomic Energy.

The Senator from Arizona [Mr. GOLDWATER] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Maryland [Mr. BEALL] and the Senator from Nebraska [Mr. HRUSKA] are detained on official business.

If present and voting, the Senator from Maryland [Mr. BEALL], the Senator from Utah [Mr. BENNETT], and the Senator from Arizona [Mr. GOLDWATER] would each vote "nay."

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Kentucky [Mr. MORTON]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Kentucky would vote "nay."

The result was announced—yeas 37, nays 53, as follows:

## YEAS—37

|              |                |                |
|--------------|----------------|----------------|
| Anderson     | Engle          | Proxmire       |
| Bartlett     | Ervin          | Robertson      |
| Bible        | Frear          | Russell        |
| Butler       | Gruening       | Schoeppel      |
| Byrd, Va.    | Johnston, S.C. | Smathers       |
| Byrd, W. Va. | Jordan         | Stennis        |
| Cannon       | Kerr           | Talmadge       |
| Chavez       | Langer         | Thurmond       |
| Curtis       | Long, La.      | Williams, Del. |
| Douglas      | McClellan      | Yarborough     |
| Dworshak     | Magnuson       | Young, N. Dak. |
| Eastland     | Mansfield      |                |
| Ellender     | Morse          |                |

## NAYS—53

|               |               |                |
|---------------|---------------|----------------|
| Alken         | Green         | McNamara       |
| Allott        | Hart          | Martin         |
| Bridges       | Hayden        | Monroney       |
| Bush          | Hennings      | Moss           |
| Capehart      | Hickenlooper  | Mundt          |
| Carlson       | Hill          | Muskie         |
| Carroll       | Holland       | Neuberger      |
| Case, N.J.    | Humphrey      | Pastore        |
| Case, S. Dak. | Jackson       | Prouty         |
| Church        | Javits        | Randolph       |
| Clark         | Johnson, Tex. | Saltonstall    |
| Cooper        | Keating       | Scott          |
| Cotton        | Kefauver      | Smith          |
| Dirksen       | Kuchel        | Sparkman       |
| Dodd          | Lausche       | Wiley          |
| Fong          | Long, Hawaii  | Williams, N.J. |
| Fulbright     | McCarthy      | Young, Ohio    |
| Gore          | McGee         |                |

## NOT VOTING—10

|           |         |           |
|-----------|---------|-----------|
| Beall     | Hruska  | Murray    |
| Bennett   | Kennedy | O'Mahoney |
| Goldwater | Morton  | Symington |
| Hartke    |         |           |

So Mr. ELLENDER's amendment was rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

Mr. GORE. Mr. President, a point of order.

Mr. JOHNSON of Texas. Mr. President—

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. I yield to the Senator from Michigan.

### SCHOOL CONSTRUCTION ASSISTANCE ACT OF 1959—REPORT OF A COMMITTEE—MINORITY, SUPPLEMENTAL, AND INDIVIDUAL VIEWS

Mr. McNAMARA. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with amendments, the bill (S. 8) to authorize an emergency 2-year program of Federal financial assistance in school construction to the States, and I submit a report (No. 1011) thereon. I ask unanimous consent that the report be printed, together with minority, supplemental, and individual views.

Mr. MORSE. Mr. President—  
The PRESIDING OFFICER. Without objection—

Mr. MORSE. Mr. President, reserving the right to object—and I was addressing the Chair under the unanimous-consent request—I request that I be recognized.

Mr. JOHNSON of Texas. Mr. President, do I not have the floor?

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. JOHNSON of Texas. I yield to the Senator from Illinois.

Mr. MORSE. Mr. President, a point of order. The Senator from Texas yielded in order for the Senator from Michigan to make a unanimous-consent request. When a unanimous-consent request is made, any Senator has a right to object.

Mr. McNAMARA. Mr. President, I did not ask the majority leader to yield for the purpose of asking unanimous consent. I will strike out my unanimous consent request, if there is no other way to avoid an argument.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state his parliamentary inquiry.

Mr. MORSE. Does the filing of a report require unanimous consent?

The PRESIDING OFFICER. Will the Senator repeat his inquiry?

Mr. MORSE. Does a request to file a report require unanimous consent?

The PRESIDING OFFICER. It does require unanimous consent.

Mr. MORSE. I would like to reserve the right to object to the unanimous-consent request. It will save time if I may have half a minute to state my reasons. Then I will yield the floor.

The Senator from Michigan has asked permission to file what I consider to be a report on a very, very important bill, a bill that proposes a school construction program. When that bill goes on the calendar, and it should go on the calendar, I think this Congress should stay in session long enough to take action on that bill. This is the type of legislation the Senator from Oregon has been talking about which, in my judgment, places a clear obligation on Congress to take action on it before we adjourn. Certainly, we would have a very difficult time justifying to our constituents adjourning before we take the action that ought to be taken to aid the school children of this country by the adoption of an education bill that will provide for the construction of the classrooms we need if we are to train the brains of this country in time to meet the competition Russia is going to give the free world in the years immediately ahead.

I think that not only should the bill go on the calendar, but I think we should stay in session for whatever period of time is necessary, Mr. President, to pass the proposed legislation and to pass certain amendments which I think ought to be added to the bill, such as an additional amendment to give to the schoolteachers of this country some Federal aid in respect to their salaries, to accomplish two things: First, so that we will not have a shortage of teachers; and, secondly, so that teachers who are not getting enough pay can be better paid, since we are failing to get the most competent teachers in some instances.

Mr. President, I do not object.  
Mr. McNAMARA. Mr. President, if the majority leader will yield further, I wish to say that I certainly do not disagree with what the distinguished Senator from Oregon has had to say. It is the hope of our committee that we can get the bill on the calendar this year. We do not have our reports printed. We do not think we will be able to have this accomplished in the next couple of days. We have little hope of getting the bill through both Houses of Congress at this session.

Again I commend the Senator for his views. When the proper time comes, we hope the climate will be such that his views will prevail.

The PRESIDING OFFICER. Without objection, the bill will be placed on the calendar. Without objection, the request for printing of individual, supplemental, and minority views is granted.

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, while most Senators are present in the Chamber I should like to inquire whether the distinguished Senator from Louisiana has more than one other amendment to offer. My understanding is that there is only one additional money amendment



to be considered, and that the discussion will be reasonably short, so that there will be a vote in a relatively short time.

Mr. JOHNSON of Texas. Does the Senator desire the yeas and nays on the amendment?

Mr. ELLENDER. That will be all right with me.

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Maryland, and then I will yield the floor.

#### S. 223—CONSTRUCTION OF DAM BY POTOMAC ELECTRIC POWER CO. ON POTOMAC RIVER

Mr. BUTLER. Mr. President, the receipt of an invitation to attend the ceremonies on September 24 formally dedicating the new electric energy generating station of Potomac Electric Power Co., at Dickerson, Md., prompts me to make a few remarks at the close of this session with respect to S. 223 which is cosponsored by my distinguished colleague [Mr. BEALL] and myself, which would permit the company, at its own expense, to construct a dam near the confluence of the Potomac and Monacacy Rivers so that the company and its customers could secure maximum use, productivity, and efficiency from this great new plant. The first generating unit in the Dickerson plant went into operation in June of this year, and the second unit will be in operation approximately 1 year from now. At that time, the company will have expended over \$100 million in the construction of this plant so vital to the needs of the entire area. However, unless the company is permitted to build the proposed dam, it will not be feasible or practical to build the third and fourth generating units in the present plans of the company.

S. 223 is the third legislative effort of my colleague [Mr. BEALL] and myself to secure the congressional approval necessary before the proposed dam may be constructed. The Senate Public Works Committee failed to take any action on S. 3913 introduced in May 1956 and S. 698 introduced in 1957, and no action was taken by the committee this session on S. 223. I should point out, however, that the House Public Works Committee did report favorably on H.R. 11481, a companion bill to S. 3913, in the waning days of the 2d session of the 84th Congress, but not in time for the House itself to act on that favorable report.

Senators will recall that the company had originally selected a site in Loudon County, Va., for its new generating plant; but due to considerable opposition to that site by the Army Corps of Engineers and others, a subcommittee of the Senate District of Columbia Committee, under the chairmanship of the distinguished senior Senator from Oregon [Mr. MORSE], held extensive hearings and recommended that the company not build its proposed plant at the Loudon County site. The subcommittee recommended further that the company consult and cooperate with the Corps of Engineers in the selection of a different and new site for the proposed plant; and, as a result of such consultation and cooperation, the Dickerson, Md., site was selected.

It is to the credit of the distinguished senior Senator from Oregon [Mr. MORSE] that he has supported each legislative proposal to construct the proposed dam on the Potomac River, and all of us interested in this vital matter are grateful for his support.

I wish to compliment the company for going forward with the construction of the plant at Dickerson, despite the failure of the various legislative proposals to construct the required dam, and despite the onerous amendments to the proposed legislation which have been proposed by some of the Government agencies. In short, these proposed amendments would permit the Government to condemn the dam when constructed without proper and appropriate reimbursement to the company; but, more immediately pertinent, the proposed amendments, if adopted, would prevent the company from mortgaging or pledging the substantial investment it would have in the dam. In these critical days of accelerated expansion of electric energy generating units, utilities need readily available every mortgageable and bondable asset.

The primary reason for the proposed amendments to S. 223 is to hold the Government harmless against the day when the Government might want to build a multipurpose dam in the River Bend area of the Potomac River. I am willing to rely upon two distinguished authorities in the public power field with respect to the need for a multipurpose dam on the Potomac River for power purposes; the distinguished senior Senator from Oregon [Mr. MORSE] and Supreme Court Justice William O. Douglas.

In connection with the Chesapeake & Ohio Canal National Historical Park legislation, the Senator from Oregon [Mr. MORSE] on April 28 told the Senate, among other things:

What about power? Is there a power shortage in this area? Is there in this area a great need for power? That is a question of fact, and we must ascertain the answer.

However, as far as I know, on the basis of my understanding of the facts, at the present time there is no power shortage in this part of the country.

Let me say, as one who has fought here for 15 years for the protection of the public's interest in public power projects along with private utility projects, that I have never favored discriminatory legislation which would seek to put private power operations out of business. We need both private and public operations.

Therefore, Mr. President, I do not favor construction of the dam if it is true that at the present time there is in this area adequate power for both its present and future needs.

In his April 28 speech, the Senator from Oregon [Mr. MORSE] referred also to the opposition of Supreme Court Justice Douglas to the proposed River Bend Dam; and the Washington Post of April 7 and 28 quotes remarks of Justice Douglas in opposition to the construction of a multipurpose dam at River Bend.

Potomac Electric Power Co. has demonstrated dramatically its full acceptance of its high responsibility to anticipate and meet the present and future electric energy needs of all consumers in its service area; and, as in the instance

of its going forward with the construction of the new plant at Dickerson, Md., at grave, substantial, and calculated financial risks. It has been this company's initiative and good citizenship which, to use the words of the Senator from Oregon [Mr. MORSE], made certain "that at the present time there is in this area adequate power for both its present and its future needs."

The company has kept faith with its customers, present and future, and with Congress in accepting the recommendation of the Senate District of Columbia Subcommittee in selecting a new and different site for the much needed additional electric generating plant, and I hope that in the next session of Congress, the Senate and the House will quickly and promptly enact S. 223, without the proposed onerous amendments, so that the company may go forward with its plans for a third and fourth generating unit at the Dickerson plant in order that the company may continue to meet adequately the increasing electric energy needs of the area.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. GORE. Mr. President, I raise a point of order in regard to the language on page 18, line 15, beginning with the word "provided", through line 17. The language against which I raise the point of order is as follows: "Provided, That all such advances shall be repaid to this appropriation on or before June 30, 1960, and upon such repayment this account shall be withdrawn."

Mr. President, I make the point of order that repayment of advances made to the highway trust fund from the general fund is a matter of statutory law. Subsection (2) of subsection (f) of section 209 of the Highway Revenue Act of 1956 reads as follows:

Repayment of advances from general fund: Advances made pursuant to subsection (d) shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary of the Treasury determines that moneys are available in the trust fund for such purposes. Such interest shall be at rates computed in the same manner as provided in subsection (e) (2) for special obligations and shall be compounded annually.

I submit, Mr. President, that the lines which I have read from the bill purport to change, and would change by legislation, the law. Therefore, I make the point of order that the language which I have read, beginning with the word "Provided" on 15, and continuing through lines 16 and 17 on page 18, is legislation on an appropriation bill.

Mr. ROBERTSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Virginia will state it.

Mr. ROBERTSON. Can a Member of the Senate make a point of order against a number of lines in an amendment with



which he does not agree, to leave in the bill the part of the amendment he wants to keep, or would the point of order make necessary the striking of the entire language?

The PRESIDING OFFICER. It would be necessary to strike the whole section, if the point of order were sustained.

Mr. HOLLAND. Mr. President, may I be heard?

Mr. GORE. Mr. President, I should like to be heard briefly on the point of order, and then I will yield.

The other language in the section is not, in my view, subject to a point of order. The lines I read constitute the legislation.

Mr. BIBLE. Mr. President, may we have order in the Chamber so that the Senator from Tennessee may be heard?

The PRESIDING OFFICER. This is an important matter. The Senate will be in order, so that Senators may hear the arguments advanced by the Senator from Tennessee. The Senate will be in order.

The Senator from Tennessee may proceed.

Mr. GORE. Mr. President, under the law an appropriation is authorized from the general fund to the highway trust fund. That authorization is found in subsection (d) of section 209. I will read it:

There are hereby authorized to be appropriated to the Trust Fund, as repayable advances, such additional sums as may be required to make the expenditures referred to in subsection (f).

Mr. President, subsection (f) (2) of section 209, which I have already read, provides specifically and clearly the manner in which the repayments are to be made according to law. Repayment is subject to the determination of the Secretary of the Treasury that moneys are available in the trust fund for such purposes, but the law does not provide that repayment to the general fund shall have priority over obligations of the trust fund.

Mr. HOLLAND. Mr. President, may I be heard?

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I think that the point of order raised by the distinguished Senator from Tennessee would be correctly raised provided it were applied to the entire section entitled "Highway Trust Fund," beginning at line 11 on page 18 of the bill and extending through line 17.

As I understand the situation, the Presiding Officer has ruled that the point of order should be so applied. Is the Senator from Florida correct in his understanding as to the ruling?

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLAND. Mr. President, I think that the members of the Senate, and particularly the distinguished Senator from Tennessee, are entitled to an explanation as to what has occurred in this matter.

The meeting of the Committee on Appropriations when this item was added to the mutual security bill, which was the only bill still pending, was held on Sep-

tember 8. On that date we were supplied with an advance copy only of a supplemental budget request which we understood was on the way to the Congress from the President, and which did actually arrive the next day, September 9. We received this copy I think 1½ or perhaps 2 hours prior to the meeting of the committee to mark up the bill. All study possible within that short time was made.

It was the judgment of the chairman of the subcommittee handling that matter, the Senator from Florida, and I think of all members of the committee present, that the safe thing for us to do was to rely upon the wording in the advance supplemental budget item, with the understanding that the matter should be carefully checked by staff members and by committee members in the meantime to see what were the implications.

We therefore placed in the bill, by unanimous action of the committee, the wording which is found in the item "Highway Trust Fund," which has been quoted by the Senator from Tennessee and referred to in his point of order.

Upon checking the matter we found that there was a departure from the language of the authorizing legislation, and therefore prepared language to substitute at this time, which is now at the desk.

The committee, at the request of the Senator from Florida, directed, at the time this item was placed in the bill that a study be made, which has eventuated in the production of the unexceptionable language which, I will say to the Senator from Tennessee, is exactly the language which he would have left in the bill if his original point of order could have been sustained as he made it.

I ask, therefore, that immediately upon the sustaining of the point of order, which I apprehend from the smiling countenance of the Presiding Officer will follow very shortly, that the amendment which I have sent forward be stated.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. SALTONSTALL. Will the Senator again state what his amendment is?

Mr. HOLLAND. The amendment is the identical language which is in the bill, without the proviso to which the point of order was sought to be directed. But under the ruling of the Chair the point of order could not be directed against the proviso singly, but had to be considered as directed against the whole section.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. STENNIS. Under the ruling of the Chair there is no point of order before the Senate. Is not that correct?

Mr. HOLLAND. I understood that the Senator from Tennessee wished his point of order to be applied directly to the entire section.

Mr. STENNIS. If the Senator will yield, I did not so understand. Will the Senator from Tennessee state his position?

Mr. HOLLAND. Apprehending that the point of order would be made, the Senator from Florida had the staff prepare the substitute language, which includes all the original language included in the supplemental budget request, other than the proviso, believing that the committee and the Senate would prefer not to have any language go to the other body which might be exceptionable in any way.

Mr. GORE. Mr. President, I should like to be heard further on the point of order.

Mr. PASTORE. Mr. President, will the Senator yield to me?

Mr. STENNIS. Will the Senator state what his point of order is?

Mr. GORE. I shall be glad to do so. My point of order is that the words appearing in lines 15, 16, and 17 on page 18, which I have already read, constitute legislation on an appropriation bill. That is the language with respect to which I raised the point of order.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. GORE. The point of order is clearly recognizable. I do not find myself in agreement with the ruling of the Chair, that the whole section must fall because a part thereof is legislation on an appropriation bill. However, inasmuch as the senior Senator from Florida proposed to reinsert lines 12, 13, and 14 and the figure in line 15, with an amendment, the same purpose would be accomplished.

I now yield to the Senator from Rhode Island.

Mr. PASTORE. In order to expedite the business of the Senate, if I correctly understand the Senator from Florida, rather than raise the point of order, I believe that if the Senator will move to delete the words which are objectionable, we can accomplish the purpose.

Mr. GORE. Mr. President, I ask unanimous consent that the words I read in lines 15, 16, and 17 be deleted from the bill.

Mr. PASTORE. That would accomplish the purpose everyone desires.

Mr. HOLLAND. Mr. President, the Senator from Florida not only has no objection to that wise suggestion made by the Senator from Rhode Island, but he was about to suggest almost the same thing, by having his amendment at the desk offered as a substitute for the entire section, which would have accomplished the same purpose.

Before I take my seat, let me say that this is nothing but the culmination of an effort begun in the committee, when the committee wrote this item up, by directing the staff members to make a study of the procedure followed, so that we could be sure we were on sound ground, because we had had no opportunity up to that time to do so. The Senator from Florida made that statement very frankly to the committee. So there is no change in direction. There is no change in amount. There is no departure from the authorization. On the contrary, there is a strict following of the authorizing language if the proposal in its shortened form is left in the bill.



Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. First let me say that if the deletion of the words is authorized, I should like to direct a question to the Senator from Florida on the substance of his amendment with respect to lines 12 to 15. Is such a question in order at this time?

Mr. GORE. Mr. President, may we have action on the objectionable words?

The PRESIDING OFFICER. Does the Senator withdraw his point of order?

Mr. GORE. I withdraw the point of order temporarily, and ask unanimous consent that the language which I have read in lines 15, 16, and 17 on page 18 be stricken from the bill.

Mr. STENNIS. Mr. President, reserving the right to object—and I will object—I wish to state the grounds of my objection.

I understand that this language may be subject to a point of order. The Chair has indicated that he would so rule. There is nothing the Senator from Mississippi could do about that. But if I correctly understand the provision in the bill, this is an advancement of \$359 million in anticipation of new revenue that is to come in from the new 1-cent additional gasoline tax. I understood in the committee that this was taken from the general fund solely on condition that it be repaid.

Mr. CHAVEZ. That is correct.

Mr. HOLLAND. Mr. President—

Mr. STENNIS. Let me finish. I have waited a long time to state this point.

It is my opinion that if this language cannot stand up, the whole section can be stricken, but as the Senator from Mississippi sees it, there can be no substitute for what the committee thought it was doing, except a substitute that is in substance the same, providing for anticipating the revenue and paying back the money.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I do not have the floor. I was merely stating my objection.

Let me inquire further, what is the proposal by someone representing the committee, to put the situation back as the committee voted it in substance, or in the form of some clearcut substitute?

Mr. HOLLAND. Mr. President, I have the floor.

The PRESIDING OFFICER. The recollection of the Chair is that the Senator from Tennessee had the floor.

Mr. HOLLAND. The understanding of the Senator from Florida was that he yielded for the purpose of discussion of this question, and he asks that he be recognized at this time, to meet the very valid request made by the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. The answer to the Senator's question appears in the authorization legislation itself. Let me read it. It is found in section F(2) of the Highway Revenue Act of 1956. After the provision for the advances to be

made out of the general fund appear these words:

Repayment of advances from general fund. Advances made pursuant to subsection (d) shall be repaid, and interest on such advances shall be paid to the general fund of the Treasury when the Secretary of the Treasury determines that moneys are available to the trust fund for such purposes.

The law itself provides for refund, and that the Secretary of the Treasury shall repay when the funds are collected from the additional gas tax.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. STENNIS. The language with respect to which unanimous consent is now requested that it be stricken is merely superfluous. The object is carried out already by permanent law. Is that correct?

Mr. CHAVEZ. That is correct.

Mr. HOLLAND. Not exactly. The object is carried out, but the language makes a change in the legislation, because it fixes the date of June 30, 1960, before which the repayment must be made, whereas the authorization language does not fix such date.

Mr. STENNIS. Will the Senator specify further what the correct interpretation of that language is? It says "When the Secretary of the Treasury determines that moneys are available." That is very vague, to my mind.

Mr. HOLLAND. Mr. President, my understanding is that when the collections from the added gas tax are sufficient to repay the advance, they shall be so used, and that the Secretary of the Treasury simply has discretion to determine when there are sufficient funds to repay the item.

I regret that the Senator from Tennessee saw fit to raise the point of order though it was certainly within his rights to do so. The whole reason for it was that the proposed legislation, as included in the bill in the exact words furnished us by the Office of the President and by the Budget Bureau, would have fixed a cutoff date of June 30, 1960, by which this repayment should be made, whereas the general legislation simply provides that the Secretary of the Treasury must repay it out of that same source just as soon as it is collected.

Mr. STENNIS. I object to the unanimous consent request.

Mr. GORE. I renew my point of order.

Mr. HOLLAND. If the Presiding Officer will rule, I would hope then to offer a substitute for that section.

The PRESIDING OFFICER. The Chair is prepared to rule.

Section 209(f)(2) of the Highway Revenue Act of 1956 provides that all repayable advances shall be repaid when the Secretary of the Treasury determines that moneys are available in the highway trust fund for such purposes. The proviso on page 18, lines 15 to 17, inclusive, requires such advances to be repaid to the appropriation on or before June 30, 1960. This is a change of existing law, and therefore is not in order under the rule. The Chair sustains the point of order.

Mr. HOLLAND. Mr. President, the Senator from Florida now asks that his amendment which has been sent to the desk, be read, to appear in the same place in the bill as the provision which has just been stricken.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 18, line 11, it is proposed to insert the following:

#### HIGHWAY TRUST FUND

For repayable advances to the highway trust fund during the current fiscal year, as authorized by section 209(d) of the Highway Revenue Act of 1956 (70 Stat. 399), \$359,000,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DOUGLAS. Mr. President, will the Senator from Florida yield for a question?

Mr. HOLLAND. I will yield after making one brief statement. Without such legislation, Mr. President, and because of the fact that the gas tax to be collected under this additional cent of tax imposed will not all come in at one time, but will come in gradually, from month to month, and because of the further fact that some States are more advanced than others and will need payments in October, next month, it is necessary that advances be made under this provision of the authorizing legislation, or the United States will have failed to pay off its obligations to reimburse States after contractors have been paid. The proposed legislation is offered solely for that purpose.

Now I yield to the Senator.

Mr. DOUGLAS. As I understand the Senator from Florida, he has read the section of the statute which provides that if the Secretary of the Treasury finds that there are sufficient funds in the Highway Trust Fund, he may repay the advances of \$359 million, which in the meantime will come from the general fund in the Treasury. The question I raise is this: Suppose there are not sufficient funds in the highway trust fund to make these payments. Is not this an appropriation from the general fund of the Government, and is not the Secretary of the Treasury directed to borrow money, if necessary, for this purpose?

Mr. HOLLAND. Mr. President, the Secretary of the Treasury certainly is directed to advance money from the general funds of the Government under an interest-paying provision, and those funds could only be repaid when the gas tax receipts were adequate to repay them. However, as the Senator from Florida understands the pending proposal, they would have to be repaid when the receipts from the added gas tax were sufficient for that purpose.

Mr. DOUGLAS. Yes; but if the Senator from Florida would yield further, it is not at all certain that the receipts from the gas tax will be adequate to maintain the national highway program on the schedule which has been set. What I am afraid of is that this section commits the Government to an appropriation of \$359 million from the general



fund, that it will unbalance the budget and require borrowing, and I think this would be of a very dubious nature in a time of financial prosperity.

Mr. HOLLAND. I appreciate the concern of the Senator from Illinois. I believe he would be equally concerned, however, to realize that unless the proposed device is used—and the need for this device was anticipated in the bill by which we provided the added gas tax—the United States will be in default in its payments to the States beginning in October—not all the States, but some of the States, and more of them from month to month thereafter.

The Senator from Florida, in handling the annual appropriation bill on this subject on the floor two or three months ago, in colloquy with his distinguished friend, the Senator from Michigan [Mr. McNAMARA], who is the chairman of the Public Roads Subcommittee of the Senate Public Works Committee, which handles this subject, made it very clear that he, the Senator from Florida, understood and the Appropriations Committee as a whole understood that we were confronted with the possibility and the prospect of such defaults unless provisions were made to avert them. The Senator from Florida made the statement at that time that he recognized these obligations as being of the type which Congress could not ignore and which should be met.

At that time the Senator from Florida stated to the Senator from Michigan, and to members of the Committee on Finance, that legislation was then pending which was directed at meeting this critical situation; and the Senator from Florida was referring to the gas tax legislation then pending in the Public Works Committees and in the financial committees of both Houses, that is, the Ways and Means Committee of the House and the Committee on Finance of the Senate.

The Senator from Florida expressed the urgent hope that such legislation would be quickly approved and that we could move on to save the faith and credit of the United States in its obligations to the States of the Nation.

The Committees on Public Works did just that. The financial committees did just that. Both Houses of Congress observed their obligations by passing the legislation, with the specific provision contained in it to prevent these defaults. It is our hope and insistent recommendation at this time that that provision which prevents defaults be now availed of by Congress.

Mr. CHAVEZ. I permitted the Senator from Tennessee to introduce proposed legislation in an effort to bring about the development of highways in the United States. I did that, and he knows it. Everything possible was done by the Committee on Public Works to accelerate the work. Everything possible was done by the committee to help out, and all we are trying to do now is to carry on the program which would be held back unless we did what we are now suggesting.

Mr. HOLLAND. I thank my distinguished friend. He is stating the matter exactly, of course.

Mr. CHAVEZ. That is right.

Mr. STENNIS. The Senator from Michigan handled some of the legislation.

Mr. CHAVEZ. The Senator from Michigan presides over the Subcommittee on Roads, the same committee over which the Senator from Tennessee used to preside, and on which he did such commendable work, and I do not see any reason why the Senator from Tennessee, who actually did much to bring about the highways of this country, should now object to getting along.

Mr. GORE. I am supporting the amendment.

Mr. McNAMARA. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. McNAMARA. I thank the Senator from Florida for pointing out that the legislative history was made previously on the floor of the Senate, and the commitment was made by the chairman of the subcommittee, the distinguished Senator from Florida, at least in part; and I say this without any criticism on his committee or subcommittee or himself. It was fulfilling a commitment made at that time.

As the Senator from Tennessee has so ably pointed out, there is a likelihood that there may be a deficit in this program. But as I understand, and I hope the facts have been brought out by the Senator from Tennessee, the Senator from Florida, and others, it will be indicated to the highway departments of the various States that if the situation is as bad as has been pointed out, we will be back in session next January, and the Senator from Florida indicates that there is no question that there will be sufficient funds to carry over until that time. Am I not correct?

Mr. HOLLAND. The Senator from Florida cannot sign the checks, but the Senator from Florida assures the Senator from Michigan that his strong, unequivocal statement made at the time of the earlier debate still stands, and that he recognizes these obligations to the States as obligations which must be fulfilled, and which he will do his utmost to fulfill.

The Senator from Florida is empowered by the Chairman of the Committee on Appropriations, the Chairman of the Committee on Public Works, the majority leader, and the minority leader, to say to the Senate that it is their view, and the view of each of them, that this is a matter in which Congress cannot be so careless as to allow our Nation's obligations to the States to be in default.

But as to the matters which may develop next spring, the Senator from Florida would be bound to say that there is no clear picture of that yet. We had not gotten into that discussion.

I think all Senators will agree that we should have a clear picture before any final action is taken. Perhaps it will not have to be taken, because the amounts provided for are payable only when the contracts have been completed. We all know that the weather in this country from Alaska to Florida and from Maine to Hawaii is not unvariable, and we all know that the completion of con-

tracts may be checked very greatly, and that no one can say with clear certainty what will be the situation next spring.

So I assure the Senator from Tennessee, and I assure the Senate, on behalf of all the Senators whom I have mentioned, because I have discussed this matter with them, that we regard it as an obligation of the Federal Government, and a very precious one, not to be in default on our payments to the States under solemn contracts under which we have said to the States: "We will pay you such-and-such a share of the construction costs when construction is completed on these projects of various kinds."

Mr. McNAMARA. I thank the Senator from Florida.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. STENNIS. There is only one phase of the matter with which I am familiar, and that is the promise in the bill, which was made to the Committee on Appropriations, that this money will be paid back. The question here is not a matter of legislation early in the year, but whether or not we are going to keep faith with the States.

Everyone in a position to act wants to see this money appropriated. I assume all do. The essential question is, What about paying it back? That is the question. Otherwise, even though the Senate has voted this matter down more than once at this session, and has refused to take the money out of the General Treasury to put it into the highway fund, we are now about to come along and do the very thing we have twice refused to do by a yea-and-nay vote.

Mr. LAUSCHE. Amen.

Mr. STENNIS. If this provision is to be stricken out, why was it not talked about when the appropriation bill was before us? It certainly was the intent that the States should have the money. Simply yield on the point of order and let the language go in which provides how the money will be paid back.

If that is not suitable, let those who are so desirous of having the States get the money suspend the rule by a two-thirds vote. I understand there is a great movement afoot to suspend the rule later in the day on another matter, and I understand there are enough votes to do it.

This is not a matter of withholding money. All we are asking for is a proviso which has real meaning, a proviso as to when and how; the money is certain to be paid back. I do not want to stop the money. I want to include a proviso as to what we understood was the purpose when the matter was before the Committee on Appropriations.

Mr. HOLLAND. Nothing would suit the Senator from Florida more than to have had that provision stick. I was notified by the Senator from Tennessee that he would like to raise a point of order. I had been advised by the staff of the committee that the point of order could be raised successfully. I prepared to meet it. The Senator from Mississippi will remember the conditions under which we acted. We took an advance



copy of the supplemental budget request. I do not know of any way in which we can waive the rules now, because notice has not been given.

Mr. STENNIS. If no one makes a point of order, a motion could be made now without a day's notice.

Mr. HOLLAND. If the point of order had not been made, there would be no trouble; but the Senator from Tennessee has insisted upon it.

Mr. STENNIS. By unanimous consent, could we not make the request?

Mr. GORE. No, not with my consent.

Mr. HOLLAND. I do not share the Senator's concern about the mandatory provisions of the bill that these amounts have to be repaid, because it is very clear to me that the mandatory provision is in the bill, and that the added gas tax was enacted against that background.

Mr. STENNIS. In the bill or in the law? The Senator speaks about a mandatory feature.

Mr. HOLLAND. In the law we passed imposing a fourth additional cent gas tax. We knew at the time we passed it—and it was shown clearly by the reports of both committees—that the default would occur before the accumulation would make it possible to meet the obligation.

Mr. STENNIS. Where is the clear mandatory provision in the law that this money will be paid back? That is the only question.

Mr. HOLLAND. I will read that language into my reply. It may be found in subsection 2 of section (f) of the Highway Revenue Act. It reads—and I read this pursuant to the request of the Senator from Mississippi:

Repayment of advances from general fund.

The section before that provided for exactly this advance.

Repayment of advances from general fund. Advances made pursuant to subsection (d) shall be repaid—

Not "may"—

shall be repaid, an interest on such advances shall be paid to the general fund of the Treasury when the Secretary of the Treasury determines that moneys are available in the trust fund for such purposes.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. It is the last part of that section which is important; namely, that repayments shall be made only when the Secretary of the Treasury finds that there are sufficient funds in the trust fund to make that possible.

The point I wish to make is that these sums will be repaid out of the trust fund only when the Secretary of the Treasury determines that sufficient moneys are available in the fund.

Some of us voted very reluctantly for the 1-cent increase in the gas tax. We wanted other methods of financing. But certainly we were limiting the liability of the program to the amount of the increase in the gas tax. Now we find that the 1-cent increase is said not to be enough, and that in addition \$359 million from the general fund is to be appropriated; and if the money is not

available, the Secretary of the Treasury has to borrow it. That may unbalance the budget, and certainly increase the financial stringency in which the Government claims to find itself.

It may be said that the money will be repaid in the future. That is the objective. But as a matter of fact, the program which has been adopted seems to me to be probably in excess of what the total receipts from the 4-cent gas tax will be.

Therefore, I think this would probably be a permanent appropriation, from the Treasury, in the amount of \$359 million, for the special purpose of the national system of highways. I certainly cannot agree to have that done. The Senator from Florida has spoken of the obligations we owe to the States, and I presume he also means there are obligations to the contractors. But certainly the States do not have a right to commit the Federal Government to make appropriations which have not yet been authorized or made by the Federal Government.

If such an agreement is made, it is made by means of what the lawyers call ultra vires arrangements—in other words, arrangements beyond the law; and in that case, certainly we are not obligated to pay the bill.

I do not wish to have the proposed \$359 million added to the budget, and thus unbalance it.

I believe in the construction of good and useful highway systems; but when it is said by the administration that the Federal Government does not have sufficient funds to pay for necessary hospitals and schools, for slum clearance and housing and for depressed areas, I do not believe the Congress would be justified in voting an additional appropriation of \$359 million for the speeding up of highways. Although I believe in the construction of highways insofar as it is possible to do so wisely, I do not believe they should be constructed at a rate which crowds out everything else. Let us keep a sense of proportion.

Mr. HOLLAND. Mr. President, let me say that the impetus by which the program has moved forward, did not come from the administration; instead, it came from the Congress itself.

Last year, when the economy was in a state of recession, the Congress thought it advisable to follow this course; and I voted for it, and I believe that almost all other Members of the Senate did likewise. We voted for it in the belief that it would be a means by which the recession could be overcome.

I believe it should be made clear that this development was not of the making of the administration, except insofar as the administration might be held to have had a part in the program, in view of the fact that the President signed the bill.

Mr. DOUGLAS. But is not the administration now requesting the appropriation of the added \$359 million?

Mr. HOLLAND. The administration is asking that the proceeds from the gasoline tax bill which the Congress passed in order to make good on the

program which the Congress enlarged last year, be made available now, for that purpose.

Mr. DOUGLAS. Cannot the program be slowed down? Is it necessary that the fiscal water continue to run out of the tap at the same rate which we thought necessary last year? Has the tap been turned on so far, at this time, that it cannot be closed to some extent?

Mr. HOLLAND. Mr. President, I see on the floor numerous members of the Public Works Committee, who could more correctly state this matter than I can. But I wish to remind the distinguished Senator from Illinois that when the Congress passed the gasoline tax bill, the Congress did slow down the program. But Congress could not slow it down in the case of the apportionments which already had been made to the States.

So far as I am concerned, I believe that the apportionments made last year and those made the year before—and each time they were made under the then existing laws—constitute decent and sound obligations of the Federal Government, and we should meet them. I believe the Senator from Illinois will reach the same conclusion when he realizes that this matter does not have to do with the slowed-down program which will begin with the allotments for 1961. Instead, this matter has to do with payment of the just debts of the Federal Government, for programs which were legal, and for which apportionments were made in 1958 and 1959.

Mr. McNAMARA. Mr. President, will the Senator from Florida yield to me?

Mr. HOLLAND. I yield to the Senator from Michigan; and if my statement on the last point I covered was not correct, I ask the Senator from Michigan to correct me.

Mr. McNAMARA. Mr. President, I subscribe to everything the Senator from Florida has said. Furthermore, the Bureau of Public Roads has advised us that 770,000 people have been employed on this program, because of the step-up to which the Senator from Florida has referred. I am sure the Senator from Illinois does not want to slow it down, and, as a result, cause many of these people to be laid off, at a time when economic conditions in the area involved are not as good as they should be.

I am sure the Senator from Illinois will agree with the Senator from Florida that there was a justification and a need for putting these people to work.

Now that the peak has passed, and now that we are returning to a normal procedure, I am sure that with the assurance of everyone concerned—including the chairman of the Appropriations Committee [Mr. HAYDEN], the chairman of the Public Works Committee [Mr. CHAVEZ], and the leadership on both sides of the aisle, and with the fine assurance we have from the senior Senator from Florida [Mr. HOLLAND]—we should be able to proceed satisfactorily.

Mr. HOLLAND. I thank the Senator from Michigan.

Let me say that the data in regard to the estimated collections from the additional one-cent-a-gallon gasoline tax



have been provided us by the Bureau of Public Roads. These data show an estimate of \$333 million, beginning with the month of November—inasmuch as the bill will go into effect in October—and through June of next year.

I could place the entire tabulation in the RECORD; but it contains considerable additional data; and, therefore, I prefer to show the tabulation to the Senator from Mississippi and to other Members who may be interested.

It seems to me we have all the evidence we could possibly have. The administration is in this case asking us to go farther than our rules permit us to go, in asking that it be made mandatory that it be repaid by June 30. I point out that the only reason why question is raised about its being repaid at that time is that the point of order has been raised.

Mr. SALTONSTALL. Mr. President, will the Senator from Florida yield to me?

The PRESIDING OFFICER (Mr. PROXMIER in the chair). Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. HOLLAND. I yield.

Mr. SALTONSTALL. The Senator from Mississippi [Mr. STENNIS] expressed my view entirely, in the course of his recent statement.

In the Appropriations Committee, we favored increasing the highway fund appropriation by \$188 million and increasing the authority to borrow from the general fund by \$359 million, because we found that was necessary in order to cover the obligations which would have to be met before June 30. We included the proviso that all this money would be paid back before June 30, so as to make sure we would not be using funds from the general treasury funds after that time.

I understand that the purpose of striking out the proviso is, not to provide a prohibition against spending the money, but to leave it in the trust fund after June 30.

I wish to state that it seems to me that, as a result of the comments made by the Senator from Mississippi [Mr. STENNIS] and the Senator from Florida [Mr. HOLLAND]—and I hope that what I have said has helped a little in that connection—the Administrator of the Bureau of Public Roads should try to meet the obligations the Federal Government has to the States—but not to exceed those amounts—so that the money can be repaid by June 30.

The Secretary of the Treasury has some responsibility in working with the Administrator of the Bureau of Public Roads, to see that that is done.

This afternoon we had a long discussion with the Senator from Tennessee, the Senator from Florida, the Senator from Illinois, and myself, together with representatives of the administration. We met in another room. After we had consulted with them, we reached an agreement to the effect that all of us wanted to see the obligations of the Federal Government paid to the States.

We do not want the Federal Government to fail to pay its obligations to the

States, when the obligations come due. All of us gave our assurances that next January we would do our best to see that that was done. I do not like to see the proviso deleted; but I do not think its deletion will be fatal.

Mr. HOLLAND. Let me say that no sooner did we have that discussion, than I consulted that Senator from Arizona [Mr. HAYDEN], the chairman of the Appropriations Committee, and the Senator from Texas [Mr. JOHNSON], the distinguished majority leader; and I obtained their strong assurances that, so far as their leadership goes, they recognize this as being so much an obligation of the Federal Government that we should not ignore it; and that they assure us that they will stand back of the effort to see it through to conclusion.

Mr. SALTONSTALL. Mr. President, will the Senator from Florida yield again to me?

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. HOLLAND. I yield.

Mr. SALTONSTALL. Mr. President, I hope the Senator from Tennessee will be willing to withdraw his point of order, so as to permit us to leave this provision in the bill. I am afraid if the language is stricken out, either in conference with the House or on the floor of the Senate, if it comes to a vote, this whole item of \$359 million may be stricken out. If we struck it out, we would be in the same position as if we had not passed the gasoline tax so far as this year is concerned, and we would not be able to carry out our obligation. I do not think the Senator from Tennessee would lose a thing, from his point of view, by leaving the language in or letting the rule be suspended. He has the assurances of the Senator from Florida, the Senator from Michigan, the Senator from Arizona, the Senator from Illinois, the Senator from Texas, and, for what it is worth, the Senator from Massachusetts, that we will try to see that this is carried out next January or March, whatever the time may be.

Mr. HOLLAND. I yield to the Senator from Tennessee [Mr. GORE].

Mr. GORE. I wish to confirm that we had a conference, at which agreement was reached that the obligations to the States would be recognized as valid and honored in full. I had previously talked to the chairman of the Appropriations Committee, to the distinguished majority leader, and to the distinguished minority leader. After this amendment is adopted, which I support, I shall then offer another amendment, but which I shall withdraw after a brief discussion of it.

This is a complicated matter, and when I get recognized, I shall discuss it for about 10 minutes. But I wish to confirm the understandings, and I concur in the understandings, that Congress will meet the solemn and legal obligation of the Federal Government to the respective States in this fiscal year.

Mr. HOLLAND. I yield to the Senator from Ohio [Mr. LAUSCHE].

Mr. LAUSCHE. Mr. President, the other evening when we adopted the amendment to the highway construction bill we definitely indicated that we did not take out of the general fund any moneys to finance the highway program of 1960. Moreover, we indicated that none shall come out in 1961. The bill provides \$802 million for 1962. The purpose was not to compel the Treasury to offer bonds on an unwilling market.

There was a solemn declaration that no funds will be taken out of the general fund. The committee tried to keep faith with the solemn declaration. The committee wanted to make sure that by June 30, 1960, this money will be back in the general fund. If it is not back in the general fund, the Treasury Department may have to sell bonds.

I humbly ask the Senator from Tennessee to try to allow the Senate to keep faith with what it declared in the bill the other night.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HOLLAND. If the Senator from Ohio has concluded, I shall yield again to the Senator from Tennessee.

Mr. LAUSCHE. One word further. I have heard what the Senator from Florida has said about \$321 million being collected through the 1-cent tax—

Mr. HOLLAND. Three hundred and thirty-three million dollars.

Mr. LAUSCHE. Three hundred and thirty-three million dollars; but that does not assure that the Secretary of the Treasury will be able to declare by June 30 that the money will be available.

Mr. HOLLAND. I yield to the Senator from Tennessee [Mr. GORE].

Mr. GORE. Mr. President, I shall take just one moment to say that the distinguished Senator from Ohio is laboring under a complete misunderstanding. There was no such understanding as he stated when the bill H.R. 8678 was passed. There was no such provision in that bill. There was clear recognition in the committee report, and clear statements were made on the floor of the Senate, that the bill was not sufficient to meet the obligations of the Federal Government in the present fiscal year. I remember the statement was made repeatedly that the Highway Trust Fund would be out of funds, as the Senator from Florida has said, by October 1. In addition, the deficit on December 31 will be \$353 million. That is stated in the hearings. It was all understood. I am surprised that the Senator from Ohio would question it.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Ohio.

Mr. LAUSCHE. I humbly suggest that the Senator from Tennessee puts himself deeper in the mire by the answer he has given.

Mr. GORE. What mire?

Mr. LAUSCHE. He now indicates he wants money taken out of the general fund in fiscal 1960 to finance the highway program. That was not intended by the Senate. It was not intended by the committee.



Mr. HOLLAND. Mr. President, I think we are all trying to get the motorists of the Nation out of the mire. I hope that some way can be found to let the bill pass as drafted, because the intent of the Budget Bureau and of the President is very clear. Even though I am forced to admit that the language is, strictly and technically, subject to a point of order, it is very clear the understanding we had still is that this year is the year in which advancements from the general fund will be repaid. Of course, that goes a long way with me, anyhow.

In view of the wording of the act, in view of the statement of the Director of the Budget, in view of the President's message, my understanding is just as clear as a bell they expect to recoup the general fund entirely as to any advances made to this particular special fund in this fiscal year.

I am sorry that, if the Senator from Tennessee insists upon a point of order, we shall have to rely on those less direct assurances than we would have if the bill were left as it was. There is not the slightest doubt in my mind that all of us have the same intent to meet the obligation of the United States to the States and to take the general fund out of this financing for this fiscal year.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the minority leader.

Mr. DIRKSEN. I would like to have the attention of the distinguished Senator from Tennessee [Mr. GORE] for a moment.

Obviously the only real question here is the time factor: When shall the \$359 million be paid back, so that it does not have the effect of an expenditure in fiscal 1960? That is a delimiting proviso, but there is another way of getting at it.

Admitting that it is subject, of course, to a point of order, would the Senator from Tennessee object if I asked him now whether he would concur in an expression of sentiment that it is the intent of the Senate that the \$359 million should be paid back by June 30, 1960? That would meet the objection of the Senator from Ohio [Mr. LAUSCHE], who thinks that good faith is involved here in view of the expressions in which we indulged in connection with the commerce bill in the first instance. I think that would meet the situation all around, and still let the proviso go out on a point of order, if it had to.

Mr. GORE. Mr. President, as quickly as I can call up an amendment, which, as I have stated, I expect to withdraw, I shall make a statement. We have an understanding that the pending amendment will be adopted. I will then offer one, call it up, and, as briefly as possible, express my point of view.

Mr. HOLLAND. Mr. President, I ask that the amendment which I sent to the desk be now acted upon.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. STENNIS. The Senator from Florida has handled this matter before the Committee on Appropriations in regard to the bill presently before the Senate, and previously did so. In view of everything which has happened, including the discussions with the administration and those representing the administration at various levels, does the Senator think it is inescapable, in order to keep the tenor and the tone of their understanding with the Senator and others, that the administration would exert all efforts to pay the money back by June 30, 1960?

Mr. HOLLAND. I do. But let me make it very clear that my contacts with the administration have been with the minority leader [Mr. DIRKSEN] and with the Senator from Massachusetts [Mr. SALTONSTALL], who has some official position in his party.

Mr. DIRKSEN. The Senator from Massachusetts is the chairman of the conference committee.

Mr. HOLLAND. The Senator is the chairman of the conference committee. If I may, I should like to have the attention of the Senator from Mississippi [Mr. STENNIS].

I state for the RECORD that I am relying implicitly also upon the request of the Bureau of the Budget, the request of the Treasury Department, and the request of the President that the money be repayable by June 30, 1960. That is my understanding, without having personally talked over the matter with any of them. It is in black and white. I would be glad to put that in the RECORD, to show it was the intention and the understanding.

Mr. SALTONSTALL. Mr. President, will the Senator yield to me?

Mr. STENNIS. The Senator from Florida has the floor.

Mr. HOLLAND. Mr. President, I ask unanimous consent to have this item printed in the RECORD, to show affirmatively that was the intention.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE  
PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., September 8, 1959.  
THE PRESIDENT,  
The White House

SIR: I have the honor to submit herewith for your consideration proposed provisions pertaining to the fiscal year 1960 for the Department of Commerce, as follows:

"DEPARTMENT OF COMMERCE—BUREAU OF PUBLIC ROADS—FEDERAL-AID HIGHWAYS (TRUST FUND)

"For an additional amount for 'Federal-aid highways (trust fund)', to remain available until expended, \$188 million, or so much thereof as may be available in and derived from the highway trust fund, which sum is part of the amount authorized to be appropriated for the fiscal year 1959."

This proposed increase in the limitation of amounts to be transferred from the highway trust fund to liquidate obligations incurred under prior contract authorizations is required because Federal-aid highway projects are proceeding more rapidly than was anticipated. The enactment of this proposal would increase the total amount authorized to be transferred from the highway trust fund to \$3,028 million if this amount should become available in the

highway trust fund. The increase provides a margin of \$50 million above present estimates of availability so that transfers up to that amount will not be prevented if actual receipts exceed present estimates.

#### "HIGHWAY TRUST FUND

"For repayable advances to the 'Highway trust fund' during the current fiscal year, as authorized by section 209(d) of the Highway Revenue Act of 1956 (70 Stat. 299), \$359 million: *Provided*, That all such advances shall be repaid to this appropriation on or before June 30, 1960, and upon such repayment this account shall be withdrawn."

This proposed provision is to allow a temporary advance to the highway trust fund, to be repaid before the end of the fiscal year 1960. The rate of expenditures in the first half of this fiscal year will exceed revenues available in the highway trust fund. Beginning in October 1959, amounts in the fund will be insufficient to permit the timely reimbursement to the States for expenses incurred under the Federal-aid highway program. The deficiency is estimated to reach a maximum of \$359 million by January 31, 1960. Receipts will then begin to exceed expenditures and, with the enactment of the Highway Act of 1959, are estimated to be adequate to repay this proposed advance with interest on or before June 30, 1960. Since this transaction will be completed within the fiscal year, it will have no effect upon 1960 expenditures or obligational authority.

I recommend that the foregoing proposed provisions be transmitted to the Congress.

Respectfully yours,

MAURICE H. STANS,

Director of the Bureau of the Budget.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. I did not understand what the Senator from Florida said.

Mr. HOLLAND. I asked unanimous consent to have printed in the RECORD the supplemental budget request, to show affirmatively what was the intention of the President, of the Treasury Department, and of the Bureau of the Budget, in the making of the request.

Mr. MORSE. Is it the argument of the Senator from Florida that if he has that document printed in the RECORD the intention will carry over to a subsequent interpretation of his language, which is exactly the opposite in intent?

I do not want to have that expressed in the legislative history of this matter, because I think the Senator from Tennessee [Mr. GORE] has done a great service for the taxpayers of this country by taking the course of action he has taken.

The Senator from Florida has likewise performed great service, so far as the language in the amendment is concerned. I do not want the Senator to change the meaning of that language by putting into the RECORD now something which will give an expression of intent which in my judgment the language upon its face does not support.

Mr. DIRKSEN. Mr. President, will the Senator yield for an answer to that question?

Mr. HOLLAND. Mr. President, in response to that suggestion I wish to say I am putting the document in the RECORD solely to support my statement that I know what the President, the Bureau of the Budget, and the Treasury



Department intended, though I have not received that information directly from them, other than in the form of their formal communication to the Committee on Appropriations. My conferences have been with the distinguished minority leader [Mr. DIRKSEN] and the distinguished Senator from Massachusetts [Mr. SALTONSTALL].

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. DIRKSEN. I think there is a better answer to the distinguished Senator from Oregon, and it is simply this: The language which is to be kept in the bill, not subject to a point of order, makes this a repayable advance. The business of recouping the money becomes an administrative chore of the Secretary of the Treasury and those who are identified with this expenditure. The Secretary might, notwithstanding the striking of that limiting provision, actually try to recoup the money before June 30, 1960.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. DIRKSEN. So I agree with the Senator from Massachusetts that striking the limitation would not be too fatal for all practical purposes, because administratively the money can be recouped.

Mr. HOLLAND. I agree with the Senator from Illinois.

Mr. President, I now yield to the senior Senator from Illinois.

Mr. DOUGLAS. I thank the Senator from Florida.

I wish to point out that we are now asked to appropriate \$359 million from the general fund of the Treasury in the hope that later there may be a corresponding surplus in the highway trust fund. If there is not a surplus to this extent, then these sums of money will never be repaid. As a matter of fact, what we will then have will be a subsidizing of highways from the general revenues. In all probability, we would be forcing the Treasury Department in the meantime to borrow money in the general money market, thus increasing the financial difficulties of the Government, about which the administration has been complaining so bitterly.

I wish to say in all kindness to the Senator from Florida that the proposal of the administration is, to me, the height of fiscal irresponsibility. It seems to me extraordinary that the Committee on Appropriations should have yielded to their request.

I am in favor of financing the highway program from moneys received from the gasoline tax. I think there are better ways of financing the program, but I want to limit the liability to the revenues which we would receive from the 1-cent increase in the gasoline tax.

It is now proposed that we spend \$359 million more than this in the hope that some time, somewhere over the rainbow, there will be a \$359 million surplus which can be used for this purpose. But hope is not a substantial surplus.

Furthermore, I will say to my friends, though I do not want to becloud the issue, it is extraordinary to the country

that an administration, a Senate, and a Congress which will not clear slums, which will not provide decent housing for people in need, which will not meet the needs for school construction, which will not aid depressed areas, will nevertheless spend the extra \$359 million for highways in addition to billions which are already being spent.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. DOUGLAS. If the Senator from Florida will permit me to yield, I will yield.

Mr. HOLLAND. I am glad to yield to the Senator from Minnesota.

Mr. McCARTHY. The Senator from Illinois has described the situation quite accurately. The Senator has made the point that the administration insists on the continuation of the highway program up to schedule. In effect, what the administration is saying is that we have to have better highways, so that more people can go more rapidly over the roads from one urban slum to another urban slum, from one polluted stream to another polluted stream, from one college campus which has dormitories but no classrooms to another college campus which has dormitories but no classrooms. Is that a reasonably accurate statement?

Mr. DOUGLAS. I think that is correct, and personally I feel rather outraged by it.

Mr. HOLLAND. Mr. President—

Mr. DOUGLAS. If the Senator will permit me to finish, I also feel outraged by the method of financing proposed. I repeat, this is the height of fiscal irresponsibility.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HOLLAND. First, I should like to say, very briefly, I am not accustomed to defending the administration, and I am not going to begin now. I am simply going to point out the fact that the Congress passed the bill which provides for this advancement. The two committees, both of which are controlled by my own party and have chairmen who are distinguished members of my own party, made it very clear to us that advancement was going to be necessary in order to keep the program on the track. I voted for the bill. A great majority of Senators, including a great majority of my associates on this side of the aisle, voted for the bill. If any Senators did not understand at that time that an advancement was to be required—

Mr. DOUGLAS. I do not think there was any pledge that any deficit would be met from the general fund.

Mr. HOLLAND. Then I think it was solely because they did not familiarize themselves clearly with the request. So far as the Senator from Florida is concerned, I think this is not a partisan matter, and that it is justifiable to earmark the gasoline tax revenues, which come out of the pockets of the travelers on the highways, for the building of the highway system. In order to keep the program on the track temporarily it is justifiable to make an advancement with a clear understanding and with a proper provision in the law. We have the as-

urance given by the leadership on both sides of the aisle that we are doing this with the understanding that the advancement shall be repaid, first, out of proceeds from the extra gasoline tax.

Mr. MORSE. Mr. President, will the Senator yield to me?

Mr. HOLLAND. I yield to the Senator from Oregon.

Mr. MORSE. I want to make a brief comment with regard to the comments of the two Senators from Illinois.

The senior Senator from Illinois [Mr. DOUGLAS] always moves me very deeply by his comments. There is much in what he said with which I agree, except some of the conclusions he reached. Of course, the junior Senator from Illinois [Mr. DIRKSEN] made it very clear that these moneys are for repayable advances. I recognize that. What this amounts to, in effect, if I correctly understand the situation, is that we are now going to take \$359 million, as the Senator from Illinois [Mr. DOUGLAS] points out, from the general fund of the Treasury, to see to it that the accounts are kept filled with the necessary amount of money so that advances can go to the States and the program can go on in accordance with the schedule?

Mr. HOLLAND. So that the final payments can be made in accordance with the schedule.

Mr. MORSE. So that the final payments can be made in accordance with the schedule. I am in favor of that. Of course, I think that is where the money should have been paid from in the first place, anyway. I disagree with my good friend, the Senator from Illinois [Mr. DOUGLAS] in his statement that the payment should be from the funds received from the collections of gasoline taxes, over and above the amounts the automobile users have previously paid.

I want to tell the Senate what I hope, and why I am so strongly in support of the amendment, and why I think the Senator from Tennessee [Mr. GORE] has performed such a great service on the floor of the Senate tonight by raising the point of order which he has properly raised.

I suggest that we go home and visit with our constituents this fall. When they begin to see the full implications of all this, they may arm us with the foresight which I think we need to come back in January and proceed with another bill, which will plug up the very bad tax loopholes we have in our present tax structure, of which I have spoken so many times on the floor of the Senate. By plugging up those tax loopholes we can get the money into the general Treasury of the United States and pay for highways, as I think we should have done in the first place, rather than by a further increase in the gas tax. Out of the general Treasury we can obtain funds based upon true ability to pay. We can go ahead also with slum clearance, and the educational program which the Senator from Illinois and I find ourselves in agreement about without imposing an additional Federal sales tax, regressive in nature, upon the taxpayers of the United States.



Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I do not have the floor, but I am always delighted to yield to the Senator from Illinois. I believe the Senator from Florida has the floor.

Mr. HOLLAND. I yield to the Senator from Illinois.

Mr. DOUGLAS. Let me say to my good friend from Oregon that he, too, is taking a leap in the dark. He is assuming that we are going to plug the tax loopholes, and that we will have enough money for all these purposes.

The Senator knows perfectly well that we have tried to plug these loopholes year after year, and we have always been defeated by the coalition drawn from both parties. I do not believe that situation will be changed in the immediate future.

We must face the situation that our revenues are relatively limited, and that our ability to spend should be curtailed in accordance with the revenues. I am not for unbalancing the budget in a period of financial prosperity. I am not for unbalancing the budget at such periods, to carry out this program. I have enough fiscal responsibility in me not to want to do that.

I am appalled at an administration which will send up a special message of the type which has been sent. At the same time, it is opposed to new starts in public works. It does not want to have the public works program accelerated, but it wants to accelerate the highway program. If they are slowing down public works, why not slow down highways? Why is this program the favorite child of the administration?

Mr. MORSE. Mr. President, if the Senator will yield once more, the theme song of "Fiscal Responsibility" is melodious and musical, but it is a siren song. I am not going to substitute the theme song of fiscal responsibility at the expense of imposing on the gasoline users of the country what I think is a very unsound, regressive tax.

I shall continue to take the position that when we tax them as much as we have been taxing them per gallon on gasoline, it is time to carry out duty in the Senate, and plug the tax loopholes.

I say to the Senator from Illinois that "The boys ain't heard from the constituents yet." But let us wait for the intervening months, when the constituents get a better idea of what the precedent is in regard to increasing the gasoline tax, and I think they will make it very clear to Members of Congress that they think we had better get busy and plug the loopholes, increase the money in the general Treasury, stop taxing those who have the least ability to pay, and adopt a tax structure based upon the principle that those who have income should pay taxes in proportion to their income.

I will tell the Senator from Illinois what I like about the parliamentary situation in which we find ourselves. It is buying us time. Those of us who lost the fight on the gasoline tax are buying time to get the issues to the crossroads of America and let the politicians hear what the people think about the constant in-

creasing of a Federal sales tax, whether it be a gasoline tax, an excise tax, or something else. If we do not stop this practice, we shall finally wake up to the danger of a general Federal sales tax, which is what I think certain forces are aiming at.

Mr. DOUGLAS. Mr. President, will the Senator from Florida permit me to reply to the Senator from Oregon?

Mr. HOLLAND. First, let me say one word, and then I will yield the floor.

My two friends are so persuasive that I am glad that they are arguing at the same time. That makes it impossible for me to agree with either of them. I shall try to steer a straight course between Scylla and Charybdis, and yield the floor and take my seat. [Laughter.]

Mr. DOUGLAS. Mr. President, I have no desire to enter into a controversy with my good friend, the Senator from Oregon. I agree that the phrase "fiscal responsibility" did not come from him. I agree that he has never been dominated by that phrase. The phrase comes from the administration. That has been the cry which it has used against all appropriations for welfare measures, against all public works such as urban renewal, slum clearance, low-cost housing, college classrooms, and college dormitories. It is the term which the administration uses against depressed areas. It is the phrase which the administration uses against any measure designed to help the people of the United States.

Now we catch them with their hands in the cookie jar, or, to vary the expression, with their hands daubed with strawberry jam, indulging in the grossest form of fiscal irresponsibility, unbalancing the budget by \$359 million, and sending the Secretary of the Treasury out to borrow money at rates of interest which he says are excessive, in order that these commitments may go forward unabated—commitments which the Federal Government did not make, but which the States perhaps did make. I never heard of such fiscal irresponsibility in my life.

I do not ask the Senator from Oregon to live by the standard of fiscal irresponsibility. He did not choose that term, but the administration launched it, and I ask that it live by the standards which it imposes. Is not that fair?

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. McCARTHY. I may point out to the Senator from Illinois that this morning the minority leader, the junior Senator from Illinois [Mr. DIRKSEN] placed in the CONGRESSIONAL RECORD an article from the Wall Street Journal which discussed the prospect of a financial panic.

Mr. DOUGLAS. That is correct.

Mr. McCARTHY. Here we are this afternoon, evidently with administration support, advancing the causes of a potential financial panic.

Mr. DOUGLAS. They are being increased.

Mr. McCARTHY. Perhaps "increased" is the better word.

With respect to this particular amendment, it is interesting to note that the

provision which has been stricken on a point of order is:

*Provided, That all such advances shall be repaid to this appropriation on or before June 30, 1960—*

And so forth. I am sure the Senator from Illinois knows what is involved. This administration has tried to push as much of the deficit as possible into 1959. It did so well that it established a record of \$12½ billion fiscal deficit for 1959—not only a record peacetime deficit, but twice as great as any other peacetime deficit in the history of the country. That was 1959. Now we move into 1960. What is the administration trying to do? It is trying to push the deficits into fiscal 1961, so it provides that repayment must be made in 1960, even though it really belongs in 1961. So they will come back and say, "Look at 1960." It is a little like the Israelites going to the Red Sea. They push the Red Sea waters—or, rather, the red ink—to 1961 in order to go dry shod through 1960.

Mr. DOUGLAS. And to the elections in November 1960—the promised land. [Laughter.]

Mr. McCARTHY. The Senator is right. I think the figures speak perfectly.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mr. HOLLAND].

Mr. DOUGLAS obtained the floor.

Mr. CLARK. Will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. I wonder if the Senator from Illinois would agree with me that the problem about which he has been talking ties up somewhat as follows—this is a question under the Senate rules:

First, that it is, in fact, fiscally irresponsible to transfer more moneys out of the general fund into the highway fund than one would expect to get back from general sources of revenue?

Second, that it is important in a time of relative prosperity among upper-income groups to balance the budget?

Mr. DOUGLAS. That is correct.

Mr. CLARK. Third, that it is perfectly easy to balance the budget if we close tax loopholes which are open and notorious?

Mr. DOUGLAS. That is true, but we fail to do so.

Mr. CLARK. Fourth, that the Eisenhower administration has no intention of permitting us to close those loopholes?

Mr. DOUGLAS. I agree.

Mr. CLARK. So we are faced with the disagreeable alternative of either defaulting on commitments the Federal Government has made to the States with respect to highways or making another effort to raise enough revenue to balance the budget. I would suggest that my friend from Oregon has good sense on his side when he says the greatest mistake this administration ever made in telling the American people that they can have a safe and secure market and a first-class America on a budget of \$77 billion. This is a question.



Mr. DOUGLAS. Mr. President, with some of the comments of the Senator from Pennsylvania I agree; but with some of them I do not. I would have liked to plug the loopholes and had more money available for social purposes, but I think there are great wastes already existing in the Federal budget which have prevented our keeping the total expenditures within \$77 billion.

Mr. CLARK. Will the Senator yield?

Mr. DOUGLAS. May I follow this thought for a minute? What seems to me so extraordinary is that, at a time when the administration is issuing statements of what a bad financial condition the country will be in within the next months, at a time when the administration obviously helped to inspire the article which appeared in the *Wall Street Journal* in which it was reported it would be almost impossible for the Government to borrow money, that the financial markets are extremely tight, and interest rates will have to go up, on top of this situation they now come in with a proposal which will require a payment of \$359 million more in the next few months without their having the revenue in sight with which to pay it. These are the brutal facts which make me feel that this proposal is financially unsound, and that it will hurt the credit and financial stability of the United States. It is only when the poor, the nervous, the sick, and the needy are involved that the administration talks about fiscal responsibility. I ask them to take their own medicine when their well-to-do friends are involved.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida. [Putting the question.] The amendment is agreed to.

Mr. DOUGLAS. What was the ruling of the Chair on the vote?

The PRESIDING OFFICER. The amendment was agreed to.

Mr. DOUGLAS. I wish the RECORD to show that I voted against the amendment of the Senator from Florida [Mr. HOLLAND].

Mr. GORE. Mr. President, I ask that an amendment which I submit be stated.

The LEGISLATIVE CLERK. On page 18, lines 6 and 7, it is proposed to strike out "\$188,000,000" and insert in lieu thereof "\$295,000,000".

Mr. GORE. Mr. President, I must in candor and perhaps in justice to myself, if not in defense of myself, say that I am surprised at the lack of understanding of a program so important to the United States of America as is the highway program. Members of the Senate have arisen to express astonishment and chagrin, and even resentment that a request for a supplemental appropriation is presented to meet the obligations of the Federal Government to the States within this fiscal year.

I would like to read a part of a page of the hearing before the Committee on Finance on September 4, 1959. I was inquiring about the balance in the Highway Trust Fund:

Senator GORE. I would like to know what it will be—what I am really getting to—what is it going to be on October 1, which

would be the earliest effective date in which this additional gasoline tax could go into effect, if it ever does?

Mr. TALLAMY. The balance at the end of September will be \$38 million.

Senator GORE. \$38 million.

Now, what would be your deficit in the fund on December 31, even with the passage of H.R. 8678?

Mr. TALLAMY. \$353 million would be the deficit on December 31.

Senator GORE. Even with the passage of H.R. 8678?

H.R. 8678 was the gasoline tax bill. I repeat:

Mr. TALLAMY. \$353 million would be the deficit on December 31.

Yet Senators rise as if they are utterly astounded and surprised to learn that the passage of a bill imposing an additional 1-cent tax on each gallon of gasoline did not solve this problem. When H.R. 8678 was before the Senate I pleaded with the Senate hour after hour; I undertook to persuade the Senators to look at the facts and to know and believe that additional tax would not solve the problem.

Mr. President, I digress to say that, so far as I know, that was the first public notice that the Congress or the people received that an additional gasoline tax of 1 cent per gallon would not solve the highway problem for fiscal 1960. I was aware that it would not. I believed that a supplemental appropriation request had already been submitted to and approved by the Bureau of the Budget and awaited only the action of Congress to levy an additional tax on every gallon of gasoline before it was to be submitted to the Congress. I asked the question and out the answer came.

Let me continue reading:

Senator GORE. Even with the passage of H.R. 8678?

Mr. TALLAMY. Yes, sir.

Senator GORE. Then how can you possibly contend that H.R. 8678 solves your problem?

Mr. TALLAMY. The Secretary of the Treasury has advised that he would have no objection to an appropriation to the general fund, to the trust fund, for this fiscal year, provided it was returned from the trust fund to the general fund by the end of this fiscal year, so it would require an appropriation act this year.

Senator GORE. As a matter of fact, has not the Department of Commerce already prepared such a supplemental appropriation request and submitted it to the Bureau of the Budget?

Mr. TALLAMY. Yes, sir.

Senator GORE. I think you are prudent in doing so, but it doesn't quite comport with all of the public pronouncements that the 1-cent additional gasoline tax is going to solve the problem.

Mr. TALLAMY. It permits the repayment to the general fund of its appropriations which we just spoke of during this fiscal year within the \$157 million item which will be carried over by holding vouchers from one fiscal year to another.

Mr. President, what vouchers is Mr. Tallamy talking about holding? What vouchers is he speaking of denying? What vouchers are not going to be payable when presented?

They are vouchers submitted by the States of our Union. I see the distin-

guished Senator from Arizona, chairman of the Committee on Appropriations, on the floor. He was a coauthor of the Hayden-Cartwright Act, which created the Bureau of Roads and set in motion the system of Federal-aid highways, without which the Nation would still be in the mire of mud. I am sure the Senator from Arizona knows that never before has it been proposed to Congress that the Federal Government default on its obligations created by apportionment of highway funds to the States, created by an act of Congress, and signed into law by the President. I am happy to say that the distinguished Senator from Arizona has said to me that he does not propose to see such defaults start now.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. HAYDEN. The Senator is mistaken about the origin of that law. It was actually a law enacted in 1916.

Mr. GORE. I stand corrected.

Mr. HAYDEN. The author of the act was Dorsey W. Shackleford, a Representative from Missouri. I was a Member of the House at the time.

Mr. GORE. What was the date of the Hayden-Cartwright Act?

Mr. HAYDEN. It was in the 1930's.

Mr. GORE. I am sorry. I am willing to give the Senator from Arizona the credit to which he is entitled, and a little more.

Mr. HAYDEN. I do not want to claim credit for something I did not do. In all the years since the original act was passed, it has always been understood that the following procedure would take place: That Congress would determine a lump sum of money to be expended upon highways; that the money was to be divided by a formula among the States—

Mr. GORE. Apportioned.

Mr. HAYDEN. Yes. Under a formula; and then when the apportionment was made, and the State expended the money, when the expenditures were made, the State would be promptly reimbursed.

Mr. GORE. That is correct.

Mr. HAYDEN. For the share which the Federal Government assumed. In other words, whether the arrangement was on a 50-50 basis, or whatever else it might have been, the Federal Government said, "If you will do all the work, we will pay our share of it when it is done." The Federal Government has never failed, up to this moment, to have the money available and ready to meet that State obligation. So far as I am concerned, budget estimate or no budget estimate, when the next session of Congress comes, if there is not money enough available to do that, I propose to appropriate it out of the Treasury of the United States at the earliest opportunity to do so, to see to it that the word of Congress, given to the States, is kept.

Mr. GORE. I thank the Senator from Arizona. It is upon his assurance and a similar assurance from the senior Senator from Florida, who is chairman of the subcommittee, and from the senior Senator from Massachusetts [Mr. SALTONSTALL], the minority leader, and oth-



ers, that later I will withdraw the amendment which I have now offered. But I wish to discuss the amendment further.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. HOLLAND. The Senator from Tennessee has correctly stated what has transpired. The fact of the matter, as he knows, and as all of us know, is that this picture cannot be made clear until sometime next spring, because no one knows at what rate construction will move ahead toward completion on the some hundreds of Federal-aid projects which are now under construction in all the States of the Union. Some of them are interstate highway projects; some of them are in the ABC category. The weather and other conditions will determine in large part how speedily those contracts will be completed.

Under the present estimate—and those in charge of the program think they have it as closely in view as can be done under the circumstances—think there will be a carryover at June 30, 1960, of \$157 million, and have so stated in the hearings which the Senator from Tennessee holds in his hand.

Last year, covering the same period of time, a period of 10 days or 2 weeks in the last of June, there was a carryover of \$122 million. That did not mean that there was any repudiation; but just like all the rest of us, the Bureau pays its bills on a fixed date and does not write checks until the bills are in.

What I have said to the Senator from Tennessee, and what I propose to stand by—and I have said it earlier to the Senator from Michigan [Mr. McNAMARA] and other Senators who were on the floor when we discussed this matter some weeks ago or months ago—was that I propose to do everything in my power to recognize the obligation of the Federal Government to the State. I do not know of any Senator or any Representative who does not feel that way about it. I have discussed the matter with the majority leader, the minority leader, and all the others whom I have mentioned today, and every one of them feels as I do about the matter.

But I have said, and I think the Senator from Tennessee realizes that it must be true, that we will not be in a position to see the situation with any degree of accuracy until some time after the first of the year. It is with the assurance that I will do everything within my power, as will the other Senators whom I have mentioned, that I understand the Senator from Tennessee is willing to take the course which he has suggested, that is, not to insist upon his amendment now, because he knows, and we all know, that if he insisted upon it now, and if it were adopted, and if it were enacted, there would be no assurance that it would meet the situation which exists or would exist next spring and up to June 30, 1960. I give every assurance that one Senator can give to another as to how seriously I feel about this matter. I want the RECORD to show, and the Senator from Tennessee to realize, that upon the committee which makes this decision is the chairman, who, as the coauthor of the

Hayden-Cartright Act, contributed so much to the stability of this program; is the Senator from New Mexico [Mr. CHAVEZ], who is the chairman of the Committee on Public Works; are six former Governors, who have labored on this matter from the other end, that is, from the point of view of the States, and who, of course, want to be able to honor their obligations promptly and to receive reimbursement.

I give to the Senator from Tennessee every assurance of which I am capable that that is my feeling and the feeling of all the other Senators with whom we have conferred on this matter.

Mr. GORE. This is a happy culmination of a controversy. It was 2½ months ago that I proposed on the floor of the Senate that Congress proceed to deal realistically with this problem. Congress has now approved an amendment to provide an advance from the general fund to the trust fund to meet the obligations of the Federal Government to the States. I point out that the carryover of the last fiscal year, to which the senior Senator from Florida refers, was not of the nature of the planned carryover which has been proposed by the administration to Congress for the present fiscal year.

I see no point in spelling out the differences at this time, but it was not advocated; it was not planned. It was not caused by a lack of funds in the highway trust fund. For this fiscal year the administration proposed a planned default to our States. I have read Mr. Tallamy's testimony before the Finance Committee. It was proposed to withhold payment of vouchers submitted by the States. This would be a serious matter for the States. Never before had it been suggested to the States, as the chairman of the Committee on Appropriations [Mr. HAYDEN] has said, that after Congress has made such an apportionment, and after the Governor of the State or the highway commission of the State has proceeded to make contracts and commitments, whether to counties, whether by force account, or by contract, and after the contracts or the particular jobs or projects are completed, and valid vouchers are presented to the Bureau of Roads reimbursement will not be made promptly. I am glad to say that the Senate has determined to see that we shall continue that practice.

As I have said, and as the senior Senator from Florida has said, it was planned to have a deficit and a default of \$157 million at the end of this fiscal year. In terms of defense appropriations and in terms of foreign aid appropriations, \$157 million may not loom as such a large amount. But when applied to the apportionment which Arizona receives or which Mississippi receives, it may mean the difference between a State highway department meeting a payroll or not meeting a payroll.

I know of one example which occurred this year. A State which does a portion of its work by force account and a portion by contracting found its highway funds so nearly depleted that when a project was completed, a special messenger brought the voucher to the Bu-

reau of Roads by airplane, and received a check, and immediately flew back, in order that the State could meet its payroll. The State had depended upon prompt reimbursement.

Mr. President, two steps are necessary before the States can be reimbursed. One is to provide funds within the highway trust fund. We can do that by levying increased taxes; or we can do that by the dedication of more revenue from existing taxes; or we can appropriate from the general fund.

We have just now appropriated to the highway trust fund \$359 million, by means of an amendment which the Senate has approved. \$359 million is a large amount of money.

But let me remind Senators that the highway users are, this year paying \$1,600 million in taxes which are used for other purposes. This \$359 million could be considered as only an additional portion of the highway-user taxes necessary to pay for the highways. But it is not so regarded by some. This \$359 million is appropriated to the trust fund as a repayable advance.

Some Senators have expressed surprise and exasperation that existing law does not require that repayable advances be repaid to the general fund within the same fiscal year. But that should come as no surprise either to the Congress or to the administration. The administration recommended this section of the law; and it was adopted by the Congress without change. The administration recommended the highway program; and I labored for 2 years to bring it to the point of enactment.

Now I wish to explain the effect of the pending amendment. As I have previously stated, two steps must be taken. One is to provide sufficient funds to the highway trust fund. But no money can be expended from that trust fund until the Congress appropriates from the trust fund.

If Senators will examine the pending bill, they will find in it, beginning in line 5, on page 18, the following provision:

For an additional amount for "Federal-aid highways (trust fund)", to remain available until expended, \$188,000,000, or so much thereof as may be available in and derived from the "Highway trust fund", which sum is part of the amount authorized to be appropriated for the fiscal year 1959.

Mr. President, the Congress in its regular Department of Commerce Appropriation Act for 1960 appropriated for this item, and from this highway trust fund, \$2,840 million. Congress was advised then that that was an inadequate amount. Congress was advised then that a supplemental appropriation would be necessary. So, one can imagine how I am a bit perplexed when I find myself criticized and ridiculed because I suggest this necessity, and then find the Senate Appropriations Committee and the senior Senator from Florida [Mr. HOLLAND] the butt of some sharp remarks because they bring in this recommendation.

I wish to read to the Senate from page 397 of the hearings held before the Senate Appropriations Committee on June



8 of this year. I shall read from the testimony given by Mr. Tallamy, the Federal Highway Administrator:

In 1960—

That is to say, in the fiscal year 1960—however, the expenditures were estimated to be \$3,002 million, as against an estimated revenue of \$2,122 million.

Let me say that the Bureau of the Budget did not request the full \$3,002 million. The Bureau of the Budget sent up a request for an appropriation form our trust fund of \$2,840 million. The Senate Appropriations Committee voted to appropriate exactly what the Bureau of the Budget requested; but they were on notice that the estimates indicated a larger expenditure would be required.

Now let me read a little further from the testimony; in fact, I believe I shall read all of this portion of Mr. Tallamy's testimony:

In 1960, however, the expenditures were estimated to be \$3,002 million as against an estimated revenue of \$2,122 million. So we use up the remaining surplus in the trust fund and actually will have a deficit at the end of fiscal 1960, according to our original estimates of some \$241 million.

Mr. President, I digress again, to call the attention of Senators to the fact that the Senate should not be surprised that there is a prospective deficit in the highway trust fund. In fact, the deficit is a little smaller now than it was estimated to be last July 30, although still within reasonable proportions. As it turns out, they later estimated it to be \$157 million, after taking into account revenue from one levy of an additional 1-cent gasoline tax.

I read further from the hearings:

That in turn will probably be higher than the original estimates, because we have found in the last few months that the contractors are completing their work more rapidly than we anticipated, and as a result, that will mean we will have to pay contractors a month or two ahead of when we anticipated, or at least the States will, and they will in turn call upon us for reimbursement.

That will increase the \$241 million deficit by \$295 million, making a probable total deficit in the trust fund as of June 30, 1960, of \$536 million rather than the \$241 million shown in the budget.

Now let me analyze the \$536 million deficit. That estimate was made in testimony before the Appropriations Committee. Later when testimony was given before the Finance Committee, the witnesses estimated the deficit to be, not \$536 million, but \$490 million. I used that figure here on the floor of the Senate during debate on H.R. 8678.

And what amount would the gasoline tax bring in, for 9 months of this fiscal year? It would bring in \$333 million. That is how the current estimate of \$157 million for the deficit is arrived at.

The administration first proposed to levy an additional tax of 1½ cents on each gallon of gasoline, for 12 months of the fiscal year. The Congress voted to levy an additional gasoline tax of 1 cent a gallon for 9 months of this fiscal year. Yet Senators express exasperation

that that did not solve the problem. Mr. President, it was never expected to solve the problem; certainly those who had thoroughly studied the problem knew that.

Mr. President, to come back to my amendment, in addition to the \$2,840 million which the Congress has already appropriated, the pending bill appropriates \$188 million from our trust fund.

How do we relate the \$188 million to the estimated demands on the funds? The estimated expenditures from the highway trust fund for fiscal 1960 total \$3,135 million. The Congress has appropriated \$2,840 million. The pending bill proposes an appropriation of an additional \$188 million. That is a total appropriation of \$3,028 million against an anticipated and estimated expenditure of \$3,135 million. That leaves a shortage in the pending bill of \$107 million below the estimated requirement.

When were these estimates made, and were these estimates kept a secret from Congress? Indeed, no. They were placed in the record by the distinguished senior Senator from Virginia [Mr. BYRD] in the hearings on the highway bill on September 4. That is a recent date. It was just a few days ago, and the Senate had these hearings before it when it considered H.R. 8678. I refer Senators to page 17 of the hearings. I would that the senior Senator from Ohio [Mr. LAUSCHE] were here so that he would not again be surprised.

On page 17 of the hearings will be found a full table setting out these facts concerning estimated expenditures.

I have proposed to increase the proposed appropriation of \$188 million to \$295 million. And upon what do I base that proposal? I base it upon the most recent estimates of the obligations of the Federal Government to the States, within this fiscal year.

When were those estimates made? On September 2. This is only September 12. These are the most recent estimates we have.

However, in view of the understandings we have and the assurance we have that it is the intention of the entire Senate to meet the obligations of the Federal Government to the States, I shall not press the amendment.

I am confident that estimates that are later than these will be presented, as the senior Senator from Florida [Mr. HOLLAND] has said, when we return next year. I doubt that they will be very much different. Indications are that they will be upward rather than downward. I am willing to let the matter rest there.

Now I must answer the interrogation directed to me by the distinguished minority leader [Mr. DIRKSEN]. He asked me if I would agree that this repayable advance be repaid within the present fiscal year. We cannot do that and comport with the understanding that we have all had that the Federal Government will meet its obligations to the States in this fiscal year, because if the repayable advance is all repaid within the present fiscal year, then the Federal Government will be in default to

the States to the extent of \$157 million, according to the estimates made just 10 days ago.

Mr. President, this is the third attempt that I have made to bring about action by the Senate adequate to meet our highway needs in the present year. I feel that I have now succeeded in that attempt. I have not, however, succeeded, I fear, in bringing about even a full recognition of the problem by a majority of the Senate as it looms in the years ahead. But that matter can be fought another day.

Just one more word, Mr. President. Sentiment has been expressed here that the public interest is in some way not properly served by a highway improvement program. I must resist that contention. Highway transportation is essential for our national defense, essential for the health and growth of our economy, essential for the safety of travel, and essential for a vast segment of our economy.

I appreciate the attention of my colleagues.

Mr. President, I withdraw my amendment.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the Senate a few minutes ago adopted the amendment which I sent forward on the highway trust fund.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi to lay on the table the motion of the Senator from Florida.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, on the preceding section, entitled "Bureau of Public Roads," extending from line 3 to line 10 on page 18 of the bill, I understand that committee amendment was adopted along with all other committee amendments some time ago. We were perfectly willing to have it amended in any way the Senate saw fit.

I wish to move that the action of the Senate in adopting that amendment be reconsidered.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I understand the Senator from Louisiana [Mr. ELLENDER] is waiting to obtain the floor. I wanted to speak about 1 minute.

I think the Senator from Tennessee [Mr. GORE] has made a fine statement, which is helpful not only now, but which will be helpful to have in the RECORD for the future in respect to an understanding of the whole highway program and problem.

I want to emphasize that I greatly appreciate the very fine work the Senator from Tennessee has done on this important and far-reaching matter this year, as well as in preceding years. The Nation owes him a great debt of gratitude for what he has done.

With relation to his references to support of the highway program, it is cer-



tainly almost the unanimous opinion of the Senate that it should support the program. I myself supported it by voting for a tax to help finance it. I think it would have been far better if we could have retained the proviso the committee wrote into the section. I hope that program will be carried out.

Mr. President, in our enthusiasm for the superhighway program, I hope we will not forget or neglect the needs of the secondary highway system of the States, which serve a great many people who will seldom see and very little use the superhighway system; and the same remarks apply to what is called the primary system.

I thank the Senator from Tennessee again for his very fine remarks.

Mr. ELLENDER. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER (Mr. PROXMIER in the chair). The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 2, line 14, it is proposed to strike out "\$700 million" and to insert in lieu thereof "\$650 million."

Mr. ELLENDER. Mr. President, this is a very simple amendment. It would cut from the amount now in the bill for defense support the sum of \$50 million. It is not my intention to review the statistics I cited earlier today when my amendment to reduce military assistance by \$100 million was before the Senate. But I wish to again point out to the Senate that despite all the funds we have made available to the people of Western Europe in the past 10 years, we are receiving little, if any, assistance from them in carrying out the obligations of the free world in southeast Asia, in Formosa, in Korea, and in the Middle East.

Mr. President, as I pointed out earlier today, the program of military assistance under the bill provides for the expenditure of over \$600 million in Western Europe, when in reality, these countries can well afford to pay for their own military expenditures. As a matter of fact, we are now carrying about 38 percent of the NATO obligations of our friends in Western Europe. We are receiving no assistance from our friends in other parts of the world.

Tonight the only soldiers who are in South Korea and ready to fight are Americans and South Koreans. Of course, there is a token force there, made up of soldiers from many countries—principally the United Kingdom, Greece, and Turkey. But do our allies pay for the costs of even that little force? No. The burden falls on good old Uncle Sam.

As Senators may recall, the administration request for funds for defense support was \$835 million. The authorization was \$751 million. The House has allowed \$700 million, and this amount has been recommended by the Senate Appropriations Committee. I ask that this figure be reduced to \$650 million.

I wish to point out, Mr. President, that when I submitted this amendment to the Committee on Appropriations it lost by only 1 vote. The vote was 14 to 13.

Mr. President, once again all I seek is to start the beginning of the end of this foreign aid program.

As we all know, defense support is nothing more than a fancy coverup name for grant economic assistance.

It is paid to countries who, at our urging, allegedly maintain armed forces too large for their own economies to sustain. The theory behind defense support is that since we foist these large armies on these countries, then we must make up the differences between what the larger force costs and what the country can pay.

In actual practice, however, defense support has become a sort of depository for blackmail payments to countries which tell us that they will maintain a large army—if the United States comes across with a bundle of dollars.

*Mutual security project assistance, fiscal years 1956-59*

[In thousands of dollars]

|                             | 1956    | 1957    | 1958    | 1959    | Proposed, 1960 |
|-----------------------------|---------|---------|---------|---------|----------------|
| Defense support .....       | 227,917 | 282,241 | 106,182 | 112,059 | 115,600        |
| Special assistance .....    | 61,412  | 104,764 | 85,590  | 50,864  | 103,100        |
| Development Loan Fund ..... |         |         | 300,000 | 550,000 | 700,000        |
| Total .....                 | 289,329 | 387,005 | 491,772 | 712,923 | 918,700        |

Mr. ELLENDER. I wish to point out that these funds are derived from appropriations under the headings "Defense Support," "Special Assistance," and lately, the "Development Loan Fund." The table indicates that instead of the grants-in-aid program tapering off as the Development Loan Fund aid increases, it is actually increasing, too.

Mr. President, the defense support program is supposed to have a direct relationship to our military assistance spending, but, in my judgment, both of them have fallen short of their intended goals.

There is one example which is on the front pages of most of the Nation's newspapers today—the country of Laos—which clearly shows the complete and utter waste in these two programs.

In this small Asian country, we have spent more than \$250 million, including military assistance and defense support spending, in an effort to build up a well-trained, native army.

What has happened? Despite this vast outpouring of dollars, at the first sound of trouble, the leaders of Laos say that their army cannot contain the invaders, and they have asked the United Nations to send troops into the area.

In other words, the vaunted Lao Army—into which we have poured many millions of American dollars for military aid and defense support—is found wanting. But is that true? My guess is, and I have a good hunch, that the difficulties in that country are caused by political turmoil among the various factions within Laos. We shall soon find out if the United Nations team now on its way to that country gets the full cooperation of the local government.

I hope they do. I repeat, that, in my judgment, they will find that a good deal

What is more, Mr. President, we were told that with the creation of the Development Loan Fund, the demand for additional funds under defense support would be lessened.

But, Mr. President, this has not happened.

Project type assistance has grown by leaps and bounds since 1956—from slightly more than \$289 million in 1956 to about \$918 million, the sum programmed for fiscal year 1960.

Mr. President, I hold in my hand a table showing project assistance under the mutual security program since 1956. It clearly shows that there has been a definite increase in this type of aid.

I ask unanimous consent to have this table printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

of the trouble in that area is caused by nothing other than competing politicians.

Mr. President, I can cite another good example of the waste in our defense support spending and that occurs in the Republic of Korea.

The Appropriations Committee was told that the defense support requirement for Korea was necessary because even though Korea produces more than she consumes and, therefore, has funds available for investment in her domestic economy, the amount available for investment should be increased.

In fact, Mr. President, our bureaucrats want to double the amount available for investment through the use of defense support funds and Public Law 480 sales.

Let me cite one more example, namely, Greece. I first visited Greece in 1946. I have since been there four or five times. Greece has never been so prosperous as she is today. When I was there in 1956 I was told by an administrator of the International Cooperation Administration that the only thing Greece needed was a few million dollars of Public Law 480 funds resulting from the sale of surplus agricultural commodities. What do we find now? Defense support is still being given to Greece.

Is this aid tapering off? Notwithstanding the statement made to me in 1956 that defense support to Greece would be eliminated, it is actually on the increase. Two years ago we made \$15 million available. Last year we made \$20 million available. I cannot give the figure for 1960, because it has been labeled "secret," but I assure Senators that it shows another increase.



We are running this program into the ground. So long as we are bludgeoned by some of these countries to put up defense support money, our administrators are going to lay it in their laps. I think it is time to call a halt.

I sympathize with the Greeks. They are good people. They are good soldiers. But I come back to the proposition which I discussed earlier this evening, that if Greece enforced its income tax laws as we do, Greece would not need the assistance which we are called upon to make available to her.

Members of the Appropriations Committee were told that defense support to Greece is really justified on political grounds. It was pointed out that Greece expects economic assistance to compensate it in part for its defense contribution which it believes to be greater in terms of resources available than that of most of the NATO countries.

In other words, we are asked to give money away in the form of a gift to a country, merely because that country has taken some steps to protect itself in the event of aggression.

I point out that Greece says she is spending 5.3 percent of her gross national product on defense and that this is the maximum she can afford.

However, what is not said is that the 5.3 percent figure includes our grant contribution to that country.

Moreover, as I previously pointed out, the United States is spending 10.4 percent of its gross national product for defense, more than any other country, in terms of percentage of its gross national product. At the same time we are being called upon to put up more and more money for the same countries which we have already raised from economic chaos, countries now economically sound and which are well able to carry more of their own load.

Now, I am not suggesting that Greece maintain a military establishment as large as ours, but I do think that it is not asking too much to suggest that the Greeks maintain an adequate defense force without requiring a bonus payment from the United States for doing so.

I have just presented the specific examples of Laos, Korea, and Greece, and there are many more which could be cited, Mr. President, but I am not going to take the time of the Senate to go into any detail.

But I do think that the three examples offer substantial proof that expenditures in this field are wasteful and unnecessary, and can therefore be reduced.

The entire concept of defense support, in my judgment, is false.

In the first place, the large armies which we urge many countries to maintain will be of absolutely no use in the event of any armed conflict with the Communist world.

In the second place, I do not think it is right for the U.S. taxpayer to be asked to supply blackmail money to keep certain of our so-called allies on our side.

Mr. President, as I have said before, I believe it is time for us to face our responsibilities as Senators, and demand a beginning of the end of this foreign aid program.

If we could ever afford the luxury of this giveaway program, that day has long passed. Our own economic stability—and the heritage which we will pass on to our grandchildren—is at stake.

It is my hope that this amendment will be agreed to.

Mr. DIRKSEN. Mr. President, I trust that the amendment offered by my distinguished friend from Louisiana will not prevail. There are 12 small countries located in rather strategic positions in various parts of the world which receive the benefits of what is known as defense support.

One of them is Korea. Many Members of the Senate have visited Korea and know what its importance is to that whole section of Asia. At the moment it is cut in two by a parallel, where Communist forces are constantly threatening and would, if possible, drive down through that country and threaten Japan and other areas of the Pacific.

Another country which receives defense support is the Republic of China, better known as Taiwan, a small area, but one which has been characterized by no less a military man than General MacArthur as a stationary carrier, sitting out there in the blue water and almost indispensable to the defense of that whole area, including the Philippines.

Another country which receives defense support is Vietnam, the newly born free country, but cut in two at the 17th parallel as a result of certain concessions and certain agreements made because of the Communist threat in the northern part of Vietnam. It was once known as Indochina. I was there when the war was going on and when the French were still there, and when forts were falling and difficulties were besetting this little country.

Still another country is the Philippines, which gained its independence through the grace and unselfishness of the United States of America.

Still another is Laos, a little country of one-half million, situate at the head of an apex which, if it should be taken over would make possible a drive all the way through southeast Asia, down through Indonesia.

Still another country is Cambodia. I had occasion to visit that country and to assess its resources and its people and what its defensive posture might be.

Still another is Thailand. Many Senators have visited Thailand at one time or another and are in a position to appraise its powers to resist an attack.

Still another is Pakistan, a newly born country out of the provinces of India, and mainly identified with that section of India which is given over to the Moslem faith.

Then there are Iran and Turkey and Greece and Spain.

Mr. President, there are 12 small countries strategically located in the world and indispensable, in my judgment, and certainly indispensable in the judgment of our best military brains, to the whole scheme and pattern of collective security which we created in the interest of a free world and in the interest of resistance to communism.

Small as they are, however, they do have manpower. There is only one thing these little countries do not have. They have no industry, they have no defense industry, they have no capacity to manufacture the type of weapons which are necessary in the modern space and atomic age to offer even a token resistance.

No one suspects that they could resist for a long period of time. The whole military tactic is to have them resist long enough until other support from other sources and from our own country in the form of air support, naval support, and military support might be rendered at a time when they are holding the line.

What shall they do, these people with manpower but no weapons, these people with manpower but no defense industry, these people with manpower but no defensive supplies? We have gone to them and we have entered into a solemn contract with them. Our military men have assessed their potentiality from the standpoint of how many men they can put on freedom's line in all sections of the world. Then, after we had assessed that point, we said to them, as in the case of Vietnam, "We believe you can support an army of 125,000." Then comes the corollary question: "What shall we do for weapons?" They cannot manufacture supplies. They cannot manufacture weapons. They cannot manufacture and produce the things that are necessary to support the economy.

Soldiers must be paid. Soldiers must be clothed. Soldiers must eat. Soldiers must have an endless variety of equipment, first, to make it a military force, but second, to be able to sustain the economy so that an army of that size can be kept on freedom's line. That is where defense support comes in. It covers 12 countries, and it is designed, of course, economically to be sure, as the distinguished Senator from Louisiana says, to support and to shore up an economy that could not carry that kind of load.

I wonder what we would do if it were said of our country that we must maintain a standing army of, let us say, 25 million men. I think it would tax the facilities and the resources of this Nation.

When we say to a country of a million and a half, "We want you to have 100,000 or 25,000 or 50,000 men on the line," just equate and compute it in terms of percentage and then find out what it does to that country. The country cannot be sustained. That is the whole problem in a nutshell. Fiscally it cannot be sustained. Economically it cannot be sustained. Industrially it cannot be sustained. So we say to them, "We will ask Congress for some money for defense support," for projects, for equipment, for all those things necessary which enter into a viable economy of the country so that their men can stand on freedom's perimeter.

That is how simple this problem is.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

That is as simple as this thing is.



Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. SALTONSTALL. I simply wish to add to what the Senator has said. He has mentioned countries in the Far East. Sixty-five percent of these funds go to the countries in the Far East. Of the balance, 30 percent goes to countries in the Near East and Asia. So all these funds are going to support the type of countries the Senator has just named.

Mr. DIRKSEN. That is precisely the case. I need add only one or two things to the story. Defense support takes many forms—goods, machinery, equipment, materiel. They are certainly things which are a necessary part of an operable economy. The administration, through its experts, took a lot of time to set up a budget to provide for the needs of the separate countries. So it made an estimate of \$835 million. That estimate was not picked out of the clear air. Months of planning, months of programing, months of caution and effort have gone into the development of a program. When we draw a line and total up the sum, we see that we need \$835 million, and that is the estimate which the President submitted to Congress.

What happen to the President's estimate? When the Senate had the authorization bill on the floor, we finally came to the conclusion that the amount ought to be cut by \$84 million. So the first slash was made in the authorization bill. It was like saying to the President, "You and your experts have said you need \$835 million. We have taken testimony, and we do not believe you need that much. So, Mr. President, we have agreed to cut your estimate by \$84 million."

But that is not the whole score. After the amount has been authorized, it then goes to the Committee on Appropriations of the House and Senate. Those committees take testimony.

They finally said, "Mr. President, you asked for \$835 million. When the authorization was made, it was decided to cut that amount by \$84 million. But now, Mr. President, we are going to cut the amount by \$51 million more."

So when we got through, we cut the President's estimate from \$835 million to \$700 million.

Do we want a deficit program? Do we want to ruin it? Do we want to weaken it to the point where it has no efficacy and no force? Well, cut a little more, and the program will in large part have been so impaired that, according to our military leaders, it cannot do the job which must be done.

This is a bill for 12 little countries having small populations and no industry, to speak of, to whom we have said, "We ask you to stand with us in a collective, solemn confraternity on freedom's line with a promise to hold back and to resist those sinister Red forces which would destroy freedom. If you will do this: if you will furnish your young men, we will put weapons in their hands and we will shore up your econo-

my so that you will not go down the drain."

That is how simple defense support is.

Waste? Certainly there is waste in a program. How can waste be avoided in a worldwide program?

I remember my tours across the world when World War II was in operation. Oh, the waste was colossal. But nobody cared too much about it. The prime business in hand was to win a victory. The prime business before us now is to hold back the forces of communism and to say to those who are willing to stand with us upon this line, guarding it with dauntless attention to freedom: "If you will put your boys on the line, we will see to it that your country does not go down the drain."

We have made a large cut from \$835 million to \$700 million. The House and Senate have agreed upon a figure. I appeal to the Senate to reject this amendment and to preserve that figure, so that this program will not be so enervated as to border on uselessness.

I yield the floor.

#### WE MUST AID OUR ALLIES

Mr. RANDOLPH. Mr. President, the logic of the eloquent minority leader is, I am sure, appealing to the Members of this body. I had hoped he might retain the floor for an observation which I am sure, in this instance we can join affirmatively. But I shall reenforce what he has so forcefully set forth.

Prior to World War I, we worked in the United States to process foodstuff and to produce equipment and to mobilize manpower. During that period, when time and distance were our allies we had those countries with us, and those peoples formed an effective shield between us and foes later to engage this Nation in a determined struggle. In that conflict, the fighting was more or less confined to an area in Europe itself. Our resources were provided for those who were a bastion before we were involved in direct combat.

Came the end of World War I. Then, approximately 20 years later, we were a participant in World War II. Although that conflagration was more mobile, and was more dispersed, there were forces which had stood between us and common enemies. We had been strengthened once more because we had been able to mobilize again and to produce again, for the prosecution of a war in which we were later to engage. We aided our compatriots in a mutual effort.

Now, Mr. President, there is a possibility, there is a shadow, of World War III. But whereas in World Wars I and II we had time and distance as our allies, those allies no longer exist. We know, and it is not an overstatement, that an intercontinental ballistic missile—a rocket, as Mr. Khrushchev calls it—if launched from Soviet Russia, could conceivably reach its target within the United States within 20 minutes.

So in this time of tension, in this period of perplexity, we should realize that there are yet those peoples of the

earth who stand with us; and when we have the opportunity to give defense support to them, it should be given realistically and promptly. Sands run swiftly in the hour glass of history. Some prophets believe the hands on clock are turning toward the midnight of mankind. We must not cripple or deny sufficient defense support to the nations which are covered in this bill.

I remind Senators that it is for this reason, remembering the lessons of World Wars I and II, that I join with my beloved colleague from Illinois.

Mr. ELLENDER. Mr. President, some Senators may be awed or overcome by the eloquence of the Senator from Illinois [Mr. DIRKSEN], but I have heard him make the same speech so often that sometimes I get, shall I say, a little tired of it.

The justification which was given for the creation of the Development Loan Fund program was that it would take the place of grants, economic aid, such as defense support. However, as I pointed out earlier in the evening, the amount of money which we have made available in order to assist foreign nations economically has been on the increase from year to year. Why is the Development Loan Fund not used to do things such as these discussed by the distinguished Senator from West Virginia?

Mr. FULBRIGHT. Mr. President, if the Senator from Louisiana will yield, I can answer that question. It is because the Senate, with the Senator's help, gutted the Development Loan Fund.

Mr. ELLENDER. But the Senator from Arkansas knows that is not so. The DLF administrators have not been able to spend all the money provided. They cannot just pick reasons for donating money out of thin air and give it away under DLF, as is the case with defense support. Countries desiring DLF aid must meet certain minimum criteria in accordance with the law.

Defense support is an easy way to make money available to a horde of countries, without having to give Congress or anyone else any reasons why. Regardless of the past generosity of the Congress, we are still called on to pour our borrowed dollars into the laps of the same old countries we have bountifully helped in the past, and I am getting sick and tired of it.

The PRESIDING OFFICER (Mr. Moss in the chair). The question is on agreeing to the amendment of the Senator from Louisiana.

Mr. ELLENDER. Mr. President, on this question, I ask for a division.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. FULBRIGHT. Mr. President, I make a point of order against the provision on page 2, following the colon in line 14, and including all of lines 15 and 16. I make the point of order that that language is legislation in an appropriation bill.

I desire to speak briefly on the point of order.



Under the precedents of the Senate, this proviso constitutes legislation in an appropriation bill, because the proviso requires the President to make \$50 million available for Spain. This is a policy matter which should be left to the policy committee of the Senate—the Foreign Relations Committee—to consider.

The earmarking of mutual security program funds for a particular country is bad on principle. If the need for the program changes, the funds are tied up and cannot be used elsewhere. The country concerned tends to expect the aid that has been earmarked, and negotiations for benefits to the United States are inhibited.

I submit, Mr. President, that this part of the bill is clearly legislation in an appropriations bill, and should be ruled out on the point of order.

Mr. SALTONSTALL. Mr. President, I suggest the absence of a quorum, for the reason that I know that the Senator from New Hampshire [Mr. BRIDGES] wishes to be heard on this subject before the Chair rules on the point of order.

Therefore, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection—

Mr. MORSE. Mr. President, a parliamentary inquiry.

Mr. JOHNSON of Texas. Mr. President let me explain that I have asked that the order for the quorum call be rescinded. The quorum call was begun so that Senators would have an opportunity to come into the Chamber.

But now Senators have come into the Chamber; and now the point of order can be ruled upon by the Chair.

The PRESIDING OFFICER. The Senator from Texas has asked unanimous consent that the order for the call of the roll be rescinded. Is there objection? Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I simply wish to make sure that the Senator from New Hampshire [Mr. BRIDGES] will have time to come to the Chamber before the point of order is ruled upon.

The PRESIDING OFFICER. The Chair is prepared to rule on the point of order, unless other Senators wish to be heard at this time.

The point of order of the Senator from Arkansas [Mr. FULBRIGHT] is that the language on page 2, after the colon in line 14, and extending to and including line 16, is positive in nature, and therefore is not a limitation, and consequently is legislation in an appropriation bill.

The Chair rules that the point of order is well taken; and the point of order is sustained.

Mr. FULBRIGHT. Mr. President, I make another point of order: On page 10, beginning with line 18; and continuing to page 11, through line 9, the language is also legislation in an appropriation bill.

Under the precedents of the Senate, this provision constitutes legislation, because new duties would be placed upon the President if Red China should be admitted to the United Nations.

This is a policy matter. It should be left to the policy committee of the Senate—namely, the Foreign Relations Committee—to consider.

This provision was stricken out in the House of Representatives, on the same ground—namely, that it is legislation in an appropriation bill. This language provides a new direction to the President.

I may say that existing language in the permanent legislation covers almost the same point—which fact in my opinion, only highlights the inappropriateness of the inclusion of this provision in the appropriation bill.

I submit that it is legislation in an appropriation bill.

The PRESIDING OFFICER. Has the Senator from Arkansas concluded his remarks?

Mr. FULBRIGHT. Yes.

The PRESIDING OFFICER. The language to which the point of order as been raised is verbatim the language included in Public Law 665, of the 83d Congress, section 101, paragraph 3, which is the Mutual Security Act.

Therefore, although it may be redundant, it is not new matter; and, therefore, the point of order—

Mr. FULBRIGHT. Mr. President, let me respectfully call the attention of the Chair to the fact that the first 3 words in line 19, on page 10, are not in the existing law. They constitute new language, and they substantially change the meaning of the existing law.

I respectfully submit that the Chair is in error in saying that this provision is identical with existing law. Because of the inclusion of the words "Under present conditions," this provision is quite different from one for all time.

Mr. SALTONSTALL. Mr. President, those three words were put in by the committee because it was felt that the provision could keep the opposition confined to the conditions at the present time, and that it improved the language. If it is going to be subject to a point of order, I should like to offer an amendment to take those three words out. They were put in by the committee deliberately to try to confine the opposition to the conditions at the present time. If the point of order is based on those three words, I move that those three words be deleted.

Mr. FULBRIGHT. Mr. President, may I be heard?

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. FULBRIGHT. This only highlights the question. There are many other points. The Appropriations Committee, under the rules of the Senate, is supposed to recommend appropriations, and not make policy. As the Chair has already announced, the basic provision is already in the law. As the Chair has announced, those words are redundant. Except for those three words, the provision is already in the law.

Every year the Appropriations Committee assumes to legislate and to repeat legislative policy statements that are already in the law. It seems to me this is a good example of why it should not do so. We have already voted on this. It is already in the law. I submit that, on the ground that the provision is already in the law, this matter should go out on a point of order, and I make the point of order.

The PRESIDING OFFICER. The point of order made by the Senator from Arkansas has previously been stated by the Chair. With the exception of the three words "under present conditions," the language is identical with that already appearing in the mutual security law as it is at present. Under the precedents, the language expressing the present sense of Congress is not considered new language, and, therefore, the point of order is overruled.

Mr. FULBRIGHT. Mr. President, I now refer to page 8, line 15, to page 9, line 3. I move that the language be stricken.

The PRESIDING OFFICER. The Chair informs the Senator it has already been stricken.

Mr. FULBRIGHT. Has it been stricken?

The PRESIDING OFFICER. Yes.

Mr. FULBRIGHT. I did not realize that.

Mr. President, as I understand, the Senator from Minnesota has already acted upon one of my amendments, and I believe the Senate has restored the provision relating to the use of funds for medical training. That is section 110, I believe.

Mr. JOHNSON of Texas. That is correct.

Mr. FULBRIGHT. I submit that the same arguments with regard to deleting sections 108 and 109 apply. This raises a question which recurs every year. The Committee on Foreign Relations considered this matter. It was considered by the Senate itself in the authorization bill.

I refer to page 8, lines 3 to 5, and page 8, lines 6 to 8. Both of these provisions the committee regarded as worthwhile. They are small matters, it is true. The Senate approved them. This is a proposal originating in the House, and the Senate agreed to it, which I assume makes it immune to a point of order. But I wish to strike these restrictions because they are, in my opinion, legislation in an appropriation bill.

This does not increase the amount of the appropriations, I may say. It merely requires, in the case of section 108, the devotion of the funds, up to \$10 million, for the purpose of training people in various countries. We think it would be extremely useful to our own foreign relations to train them to administer the programs on which we are spending a great deal of money.

The purpose of the program is to increase the supply of trained people in these underdeveloped countries. One of the biggest bottlenecks, one of the rea-



sons why there is inefficiency in administering the program, is that they lack trained people.

I think this is a good example of unjustified legislation on an appropriation bill.

I yield to the Senator from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. President, if the motion to strike were agreed to, we could take the matter to conference.

The PRESIDING OFFICER. The motion is to strike out sections 108 and 109. Under the Senate precedents, the question is on agreeing to the motion.

The motion was agreed to.

Mr. BRIDGES. Mr. President, am I to understand the Senator from Arkansas has offered a motion or raised a point of order on the so-called Spanish amendment?

Mr. FULBRIGHT. That is correct.

Mr. BRIDGES. Let me remind the Senate that the Spanish amendment has been in the last seven foreign-aid appropriation bills. It has been exactly the same, word for word. It has become accepted practice of the U.S. Senate to put the language in the bill in that manner.

Mr. President, it is a very peculiar thing that, after that language has been included in the bills for 7 consecutive years, finally a point of order should be raised at this time. After some of the other nations have kicked out our military forces, and prohibited them from occupying bases on their soil, and after the one great friend we have in that area of Europe has allowed us to have in that country great bases which are so important to the defenses of the free world, it ill behoves us to make this move in the U.S. Senate, after allowing the language to stand in the bills year after year. This is a very peculiar move on the part of the chairman of the Foreign Relations Committee, and I am surprised and shocked by his attitude.

Now, if he persists in this attitude, I shall offer an amendment, to which he cannot raise a point of order.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Chair has already ruled on that question.

Mr. FULBRIGHT. The Chair has already ruled, and has ruled it is legislation in an appropriation bill.

Mr. BRIDGES. Mr. President, the use of the language in question in mutual-security appropriation bills has become an accepted practice of the Senate year after year, and now we are creating new rules at a time when the provision is needed most.

I send to the desk an amendment, which would strike out the \$700 million for defense support, and insert \$650 million, and for general defense support, and for assistance to Spain the sum of \$50 million. This will have the same effect but it is not legislation in any sense of the word.

The CHIEF CLERK. On page 2, line 14, it is proposed to strike out "\$700 million" and to insert in lieu thereof "\$650 million: provided further for defense support: for assistance for Spain authorized by

section 131(b), \$50 million, exclusive of technical cooperation."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. MANSFIELD. Is it not true that the amendment which has been stricken out on a point of order has in effect been in the appropriation bills for the past several years?

Mr. BRIDGES. It certainly has.

Mr. MANSFIELD. This is not the first time it has been provided?

Mr. BRIDGES. This is not the first time.

Mr. MANSFIELD. It has been accepted each time by the Senate and by the Congress as a whole?

Mr. BRIDGES. It certainly has been. It has been approved and has been enacted into law year after year. This is the first year the point of order has been raised.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

Mr. FULBRIGHT. Mr. President, I wish to say a few words about the amendment.

I cannot see any possible excuse for singling out a single country. As much as we admire and respect the Spanish people, I do not consider them to be the closest allies of this country over the years. I feel very kindly toward them. I cannot imagine why, if we are going to undertake to specify Spain, we would not undertake to specify so much for Berlin, so much for Korea, so much for Formosa, so much for India, and so on down the line.

I submit that this is an extremely ill-advised legislative practice. The only reason for it which the Senator from New Hampshire has cited is that it has been done before. I can think of no weaker reason. If there is anything in the world which needs some reform and improvement, I think it is the procedures of this body and the way we do business.

I cannot imagine why we should excuse this kind of legislative practice. This will tie the hands of the administration. It will leave the administration no room in which to negotiate with the Spanish Government. If this procedure is followed, there will be no way at all to make any agreements with these countries. We are forcing the administration to do whatever these countries wish, to accept any conditions they may impose. It is a reversal of former procedure. Instead of giving our people an opportunity to negotiate and to make satisfactory agreements, we will eliminate that by putting into the law a provision requiring the administration to give Spain \$50 million.

This afternoon or this evening there were many complaints about corruption. I do not subscribe to that. I take this opportunity to say that I did not argue with the Senator from Louisiana, but I want it to be very clearly under-

stood that I do not agree as to the accuracy of the statement about corruption and inefficiency in the foreign aid program. I grant there is some, but it is not anything like the Senator represented it to be.

This kind of provision will necessitate corruption or inefficiency, because there will be no leeway left for our people to negotiate with the foreign country. I do not know how any business could be conducted by, ahead of time, providing that one must give \$50 million regardless of what is said about it. The country can do anything it wishes to. We can provide no conditions. It is an exception to the usual procedure.

Instead of there being a reason for doing this again, it is the best reason I can think of to cut it out, because all our administrative practices indicate this is not the way to proceed.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. There were some very special circumstances surrounding the origin of this program, going back to the days of the late lamented Senator from Nevada, with which we are all familiar. I do not want to get into that, but I do not think there is any justification for singling out one country and saying that our country must give that country this money regardless of what are the conditions.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. MORSE. The Senator made a point of order regarding the language on lines 14 to 16, page 2. Was it the position of the Senator from Arkansas that Spain should not be considered for any sum under the \$700 million provided for in the section?

Mr. FULBRIGHT. Not at all. It is not that we would exclude Spain. Spain is in this program. It is in the original program for more than this amount. Cuts, of course, have been made. If Spain shares the cut pro rata, the amount would be less.

I am not in favor of excluding Spain at all. Spain will come in under the regular program for an amount which I calculate to be slightly less than \$50 million.

Mr. MORSE. Will the Senator yield for another question?

Mr. FULBRIGHT. There was no disposition on my part or on the part of the committee to cut Spain out. I say that this is an indefensible way to write the legislation. It will put our negotiators and our administrator in an intolerable situation when it comes to doing business with this country.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MORSE. Is it the position of the Senator from Arkansas that it is not fair to the other countries which are beneficiaries of our foreign aid program to have Spain placed in a preferential position?

Mr. FULBRIGHT. Exactly. I do not see any excuse for putting Spain above any other participant in this program.



Mr. MORSE. Is it the position of the Senator from Arkansas that we should put Spain in such a preferential position because, as the Senator indicates, it would tie the hands of our negotiators? Is that the position of the Senator?

Mr. FULBRIGHT. Exactly. It would do so.

Mr. MORSE. I have one other question: On the basis of the discussions we have had in the committee this year in connection with some of the problems regarding foreign aid, which have involved all of these countries, including Spain, does the Senator feel that the President and his negotiators should be placed in the position where their hands will not be tied in any way in their dealings with Spain or any other country which is involved in this program?

Mr. FULBRIGHT. If we want this program to be a successful one, we cannot do it in this way. In view of the great criticism of this program, it seems to me this would be the last thing we would want to do—prevent the administrator from having a full opportunity to make the best deal he can make and to require the most acceptable conditions for the administration of the program.

Mr. MORSE. Mr. President, will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. MORSE. I simply want to say, Mr. President, we have heard a statement of the position of the chairman of the Committee on Foreign Relations, who is a keen student of these problems. In my opinion, his advice and counsel ought to be considered very carefully by the Senate, since he is the chairman of the legislative committee of the Senate which deals with the field of foreign policy. I hope that the chairman of the Committee on Foreign Relations will be backed up in the advice he is now giving the Senate. I ask, Mr. President, for the yeas and nays on this question.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were not ordered.

Mr. MORSE. Mr. President, will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. MORSE. I think this matter is so important that there ought to be more time for reflection on the question. I am satisfied if Members of the Senate contemplate it longer they will be more inclined to permit a yeas and nays vote on it. I suggest, Mr. President, that we proceed to further consideration of the matter.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MORSE. Does the Senator yield the floor?

Mr. FULBRIGHT. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I should like to address myself to the arguments advanced by the Senator from Arkansas, whom I admire very much and respect not only as an individual but in his capacity as the chairman of the Committee on Foreign Relations.

The Senator's argument is that because the Appropriations Committee provided not less than \$50 million of the funds shall be available for Spain, exclusive of technical cooperation, this would bind the hands of the administration and the administration would have no leeway. I want to suggest, this is a very fallacious argument. The bill reads, beginning on line 8:

For expenses necessary to enable the President to carry out the provisions of the Mutual Security Act of 1954, as amended, to remain available until June 30, 1960 unless otherwise specified herein, as follows—

Then there is military assistance and—

Defense support: For assistance authorized by section 131(b), \$700,000,000: *Provided*, That not less than \$50,000,000 thereof shall be available for Spain exclusive of technical cooperation—

This simply means that the President does have a free hand. It means that \$50 million is available for the President to use. It does not mean that the President has to spend \$50 million. This is what the amendment placed in the bill by the Appropriations Committee provides.

I think the Senator did not really mean what he said when he said that this would leave the President bound and tied, that we would have to give \$50 million to Spain and we would have nothing left to argue about, because we would be able to do so. We do not have to give Spain \$50 million. We can give anything up to that figure and we can argue with them or debate with them or agree with them about it.

Mr. BRIDGES. Mr. President, I was in error when I said the program had been in effect for 7 years. It has been in effect for 8 years. I hold in my hand the public laws relating to this subject, dating from 1951 up to and including 1958. Each and every one of these public laws provides for a definite sum for Spain, and there is a sound historical background for the procedure. It has been an accepted practice of the Senate and I see no reason for a change of procedure at this time.

As the distinguished Senator from Colorado has stated, it is not binding on the administration. Any amount up to the designated figure can be approved. A figure is stated for an ally with whom we are working in very close cooperation, and I see no reason for slapping her in the face at this time.

Mr. HUMPHREY. Mr. President, I believe the argument which has been made as to the difficulty it would cause the President, might very well be an argument which could be set aside. The language which is contained in the bill does not indicate that the President would be handicapped, so to speak, or put in a position where he would have no maneuverability.

But here is the problem. My colleagues may recall that a couple of years ago the distinguished Senator from Massachusetts [Mr. KENNEDY] and the distinguished Senator from Kentucky [Mr. COOPER] attempted—and I felt that they made a mighty good case—to earmark funds for India.

India is an important country and so is Spain. India is possibly a pivotal nation in the struggle in the Asian area, and the judgment of this body at that time, as a result of the advice and the counsel from the military and from the State Department, was that we should not mention a particular nation because if we mentioned India, for instance, how would the people in Pakistan feel? If we mentioned India, how would the people in the Philippine Islands feel? If we mentioned India, how would the people in Vietnam react?

It is true on occasions we have made special appropriations because of an emergency situation. I recall that 4 or 5 years ago, in the instance of Vietnam, after the debacle at Dien Bien Phu, the great fortress that was destroyed by the Communist attack, while the French were still there, the Congress voted \$800 million, I believe, for special assistance to rescue that sovereign state and help them because of the tremendous number of refugees that came down from North Vietnam to South Vietnam.

As I recall, there is no special mention of Vietnam in the legislation. I happen to believe that Vietnam and its Government are very important to the free world, to our cause.

There is good reason to want to help Spain. We have a great investment in Spain; we have very important bases in Spain. I thoroughly agree with what has been said about the Spanish people as a marvelous people. But if we are to follow the suggested procedure with respect to Spain, I ask my colleagues what about the valiant Turks? What about the valiant Greeks? What about our friends in other parts of the world?

It seems to me that rather than stir up animosities, it would be better to have proper programming. We know what programming is.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. BRIDGES. I wonder if the distinguished Senator, who usually keeps himself well informed, recalls that this practice is the accepted procedure for appropriation bills with respect to Spain. Also, that in previous years we have specified a particular amount for Greece. We have done it for Guatemala, and we have done it in many other instances. So this is not a new venture. This has been done for 8 consecutive years.

Mr. HUMPHREY. I believe I may say in all frankness to my good friend from New Hampshire that the Senator from Minnesota said this had been done before. I just mentioned Vietnam. I know that we did it in connection with the Greek aid program, but I say most respectfully that we have had a continuing aid program for 7 years. I gather that that program is to continue. I can recall the reports before the Senate Foreign Relations Committee. There was a very substantial amount of money for Spain, and not a single voice was raised against it. In fact, several voices were raised encouraging it. Because of an emergency situation in Guatemala, where the Communists had taken over, and the people of Guatemala were able



to wrench themselves free from Communist control, in medical terms, they were given a prophylactic treatment consisting of immediate economic aid. But that is no reason for continuing this practice year after year. There are exceptions. There could be an exception tomorrow. Perhaps it will be in Laos. Perhaps it will be necessary for the President to call us back into special session. Perhaps it will be required that we appropriate substantial sums of money for supplies and equipment. All I know is that we are continuing a practice which has a good deal not to recommend it on a continuing basis.

The Senator from New Hampshire knows it well too, because he is one of the most skilled and able Members of this body. He is a powerful advocate, even when he does not have a No. 1 good cause.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire [Mr. BRIDGES].

Mr. DIRKSEN. Mr. President, I think the Senator from New Hampshire has a good case. I can say that and still agree with the very distinguished chairman of the Foreign Relations Committee.

In the first place, I point out that the most important ingredient in this whole mutual security program is not measured by a dollar sign. It is the element of trust and confidence and mutual respect between this country and other countries.

This is a program which we have carried on for 8 long years. In that time we have built up many installations in Spain. I saw them last November. Only 17 miles from Madrid, one will see the countryside pretty well littered with brick and mortar, and he will see young Americans there. He will see our strategic bombers there. If one goes off a little distance he will see other installations.

When one goes down to the coast, he sees still other installations. He notes the highways that have been built as the result of American effort and American enterprise under this legislation.

After 8 years, what are we to say to the Spanish people? Are we to say, after 8 years, "For 8 years we carried on with trust and confidence. For 8 years we have sent our people over here. For 8 years your civilians have worked in our camps. For 8 years we have done a magnificent job, trusting each other in a common endeavor, in the cause of freedom and in the cause of holding back the Communistic tide. But now we say to you, the Spanish people, after 8 years—and no one raised his voice on the subject before—we are going to stop the program."

Try to measure the administrative difficulty against the kind of reaction we will get. If I were a Spaniard in Córdoba, or in Seville, or in Madrid, I would say, "I wonder what possessed the American Congress, after 8 years, summarily to cut off this aid and put us in a different category."

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. DIRKSEN. I will answer the question in the Senator's mind.

Mr. FULBRIGHT. The Senator does not wish to misrepresent the situation. We are clearly not cutting it off.

Mr. DIRKSEN. The Senator is correct.

Mr. FULBRIGHT. Why does the Senator say we are summarily cutting it off?

Mr. DIRKSEN. Just wait—

Mr. FULBRIGHT. That is what the Senator said.

Mr. DIRKSEN. Wait until I amplify the rest of the story.

Mr. FULBRIGHT. We are not cutting it off.

Mr. DIRKSEN. As the Senator from Arkansas said, moneywise it will not make any difference.

Mr. FULBRIGHT. I did not say that, exactly.

Mr. DIRKSEN. The Senator said substantially that.

Mr. FULBRIGHT. No.

Mr. DIRKSEN. If I heard the Senator correctly, he said that in dollars and cents, actually it would not make a great deal of difference.

Mr. FULBRIGHT. Not a great deal of difference.

Mr. DIRKSEN. That puts me on good ground.

Mr. FULBRIGHT. Does not the Senator recognize the difference between no difference and a little difference?

Mr. DIRKSEN. Yes; I do.

But let us discount the idea, and say that "a little difference" is \$10 million, so that perhaps they will get \$40 million.

Mr. FULBRIGHT. If my memory serves me correctly, the administration recommended \$40 million.

Mr. DIRKSEN. All right.

Mr. FULBRIGHT. Why does the Senator, who usually is very, very enthusiastic in support of his administration—and I appreciate that—depart from it in this instance?

Mr. DIRKSEN. I do not depart from it.

Mr. FULBRIGHT. The administration does not recommend this provision. The administration wants to administer this program along with that for all other countries. The administration does not say, "You must give so much to Israel; you must give so much to France; you must give so much to Korea." It makes its presentation, and this bill is in accordance with the administration's request.

There are surely some outside interests entering into the picture demanding that Spain be specified in this legislation. Spain, if we do not put a special provision for her in the bill, will fare in this program on a pro rata basis with all the other countries.

Mr. DIRKSEN. That is exactly the point. In the first place, for 8 solid years the administration, every administration, has supported this kind of item. In all the years that President Eisenhower has been in the White House, that provision has been in the law. We have a little history behind us on that subject. When we say \$40 million instead of \$50 million, of course, it comes under the general administration, and the people of Spain

could still say, "It looks as though we have been singled out for a different kind of treatment. We were good enough to yield our land to let these buildings be built, and now after 8 years the deal is to be different." I believe they would have some complaint if they received \$40 million instead of \$50 million.

On the other hand, there is no assurance that they would. The proposal makes it pretty specific that Congress has not changed its tune toward the people of Spain. It is the psychological factor which is involved as much as anything else, and which, in my judgment, is important in this consideration. That is why I believe that the amendment of the distinguished Senator from New Hampshire merits support. If there were no history, it would be a different thing.

I ask my friend from Arkansas: How strange that no great fight was made on this item in other years. If there was, I am afraid it has gone out of my mind.

Mr. FULBRIGHT. All I can say is that I was not chairman of this committee. I had no responsibility to look into this sort of thing. I have looked into the history of the program. There is no excuse whatever for singling out Spain and treating Spain differently from any other country, and the administration did not favor it. It has never recommended it. The administration is decidedly against specifying in any bill how much should be given to any country. They do not want the leader of another country to say, "Give us the same." We want to be able to look at the situation and treat it as conditions require.

I am confident that the administration is not for this proposal, but the Spanish Government has had its influences in this country, as the Senator knows.

The fact that such treatment has been given in the past is no reason to do it now.

The Senator says Spain will be slapped in the face. Why is it slapping her in the face to put her on a par with other countries? Why is it not a slap in the face of Israel not to be singled out? Why is it not a slap in the face of Korea not to put them in the same category and say that we will not give them less than a certain amount?

This proposal will tie the President's hands if conditions are changed. The Senator does not think the President could resist Franco's appeal for \$50 million if we include this provision in the bill, does he?

Mr. DIRKSEN. I do not think that is the issue involved.

Mr. FULBRIGHT. Do we want to tie the President's hands in negotiations with Franco?

Mr. DIRKSEN. Mr. President, first of all, there were never fewer than 96 Senators in this body in all the time I have been here, and no Senator fussed against this item in the past 8 years. Secondly, I have no recollection that the President of the United States ever said a word about having his hands tied. If he did, he did not say it to me.

Mr. FULBRIGHT. I ask the Senator, Why does he not put this provision in the authorization bill if this is accepted practice? Why put it in the appropri-



tion bill? It is clearly legislation. Why was it not brought before the Committee on Foreign Relations to be examined by it and testimony taken and included in the authorization bill if it is such an established practice? Why is that not so?

Mr. DIRKSEN. For a very good reason, I think.

Mr. FULBRIGHT. Why?

Mr. DIRKSEN. Legislative proposals have been creeping into appropriation bills so long that it has become common practice, both in the House and the Senate. I remember out of my own experience in the House that we almost legislated a whole farm program every year in the agricultural appropriation bill.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, I have had my say. I believe this is a good amendment. I believe there is history behind it. There has been no protest. I think otherwise the people in Spain would wonder why we suddenly changed our approach to this program. Psychologically, if for no reason, I believe this amendment should be supported.

Mr. President, I yield the floor.

Mr. CAPEHART. Mr. President, there is only one reason in the world for this entire bill of \$3,200 million, and that is in order to help the people of the United States and to defend the people of the United States.

So far as Spain is concerned, I believe there are two things we must keep in mind. First, it is a poverty-ridden country. It is not a member of NATO. It has had no help whatever from any organizations. If there ever was a place in this wide world where we need our bases, behind the Pyrenees Mountains, for our intercontinental planes to land, and if there ever was a place in the world that we need in order to defend the United States, it is Spain.

We have three bases there. I have visited them. I repeat, Spain is not a member of NATO. They entered into an agreement with the United States that we build these bases there. We have no right to build those bases there unless it is in order to defend the United States.

My best judgment is that these bases are the most important bases we have any place in the world. Spain is a poverty-ridden country. I repeat that Spain is not protected by NATO. It entered into an agreement with the United States under which we could build bases there. The least we can do is offer her some economic aid. The least Congress can do is specify Spain in the pending bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. BRIDGES].

Mr. MORSE. Mr. President—

Mr. BRIDGES. Mr. President, I ask for the yeas and nays.

Mr. MORSE. I join in the request for the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, I will take only a moment. I want to back up the chairman of my committee.

I point out that this proposal did not come from a legislative committee of the Senate. This is in an authorization bill. This provision has been added by the Appropriations Committee.

The Senator from Illinois proved our whole case when he pointed out that in effect it has become customary for the Appropriations Committee to add legislative items, and that from his viewpoint he did not see any objection to this one.

I have been heard to say before that I think we ought to put a stop to the practice of the Appropriations Committee adding legislative items to appropriation bills. I believe the Foreign Relations Committee is empowered to do its legislative job. We ought to look to the Foreign Relations Committee for legislation on foreign policy matters.

Let us take a look at what happened this year in the Foreign Relations Committee in respect to this policy. I desire the attention of the Chairman of the Foreign Relations Committee [Mr. FULBRIGHT] as I refer to our work in the Foreign Relations Committee on an authorization bill.

It happens that here was a discussion with administration witnesses this year in regard to whether or not, in reporting an authorization bill, specific countries should be named. The witnesses for the administration made very clear that they did not want that; that they did not think it was a good policy; that they thought it handicapped their program.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Arkansas [Mr. FULBRIGHT], and other members of the Committee on Foreign Relations are present, and will undoubtedly recall that the administration witnesses specifically requested that that should not be done. That is the first point I want Senators to keep in mind. Therefore, the legislative committee reported an authorization bill that did not name specific countries. That happened to be, we considered, after our taking of testimony and hearing and considering the legislative policies involved, to be the better policy and in line with the administration's recommendation.

A few minutes ago there was talk about the fact that in the past we had specifically mentioned Greece and Korea, and I believe at one time Formosa and, I think, Turkey. But those specific mentionings were made by the legislative committee, not the Committee on Appropriations. It was decided in those years, for those special authorizations, that those countries ought to be specifically mentioned, and those countries were named after hearing the witnesses from the administration and the State Department upon their recommendation.

But that no longer is the desirable policy, so we are advised by the administration.

So what we are confronted with is an attempt to make an exception of Spain in regard to this policy, and seek to give

the impression that those of us who are opposed to the Bridges amendment are not in favor of any funds going to Spain. That does not follow. What the Senator from Arkansas has clearly pointed out is that it is up to the administration, in the apportionment of the funds, to decide whether or not this amount or some other amount will best protect the interests of the United States, if it goes to Spain.

I think the Committee on Foreign Relations has already stated that its understanding is that the administration has been talking without reaching any final decision in the treatment of about \$40 million.

So here it is proposed, without the Senate having before it any evidence in the matter, without the Senate having before it, in a public debate, a good deal of information which cannot be made public, but which can be made available to the legislative committees, taking the position that we are simply giving arbitrarily \$50 million.

Suppose we started to offer individual amendments to give X country \$50 million, Y country \$75 million, and Z country \$100 million. What kind of hodgepodge bill would we have?

The third point I wish to make is that it was argued by another Senator that, of course, the first part of the bill contains a provision to enable the President to carry out the provisions of the Mutual Security Act. But it does not follow, if we adopt the Bridges amendment, that the President is any way estopped from determining what the program is in regard to Spain, and he can say that with respect to any item in the appropriation bill.

But what is proposed is to earmark \$50 million as the opinion of Congress as to what the administration ought to do.

What do Senators think the Spanish leaders will say after that? Shall we put the administration in the preferred position, or shall we put the administrators of the Government of Spain in the preferred position in regard to any discussions, negotiations, or conversations which will be held in regard to this subject? I do not think we should treat the President of the United States in that way. It is said in the first sentence that we will do this in order to enable him to carry out the provisions of the act; then we say to him, in effect, "We are going to put you behind the eight ball in regard to aid for Spain." We are going to say, "We think you ought to give Spain at least \$50 million."

Mr. President, we do not have evidence on which to base such a figure and such a judgment.

I say Spain ought to be treated the same as all the other countries, and that this amendment should be defeated. If we defeat it, we are not denying to Spain a fair share of the funds under this act; we are simply saying that we will not override our President in advance. We are not saying we are going to put aside \$50 million and see to it, if we can, that Spain gets it.



Mr. FULBRIGHT. Mr. President, only recently a very large sum—I think approximately \$200 million or \$300 million—was made available through the participation of the International Bank, I believe, and also the monetary fund, for the stabilization of the currency of Spain.

I mention this because there has been no disposition at all to discriminate against Spain. But how those negotiations and acts of performance under those loans are working out, I do not know. We have had no testimony about them. All this involves a great deal of negotiation. In my opinion, it might be a very great mistake to foreclose our Government from having any freedom to negotiate by including this provision in the bill. I remind the Senate that some \$200 million or \$300 million has been made available to Spain.

Mr. CAPEHART. Mr. President, the countries proposed for inclusion in this item are: Korea, Republic of China, Vietnam, Philippines, Laos, Cambodia, Thailand, Pakistan, Iran, Turkey, Greece, and Spain.

I call attention to the fact that all of them are members either of NATO or SEATO and are protected under the defense agreements the United States has with NATO and SEATO, with the exception of Spain.

Spain stands out like a sore thumb. She is willing to cooperate with the United States against Russia. She has permitted us to build bases in her country. I know of no bases which are more important.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. HUMPHREY. In 1957, Congress repealed the special reference and authorization with respect to Korea. I do not believe Korea felt we were letting her down.

In the authorization act we provided a substantial sum of money for West Berlin. I have looked through the appropriations, and I see nothing about money being appropriated for West Berlin. But I gather that West Berlin will be included.

Mr. CAPEHART. I think the best answer with respect to Korea is that we lost something like 50,000 American boys there defending Korea. We have not done that in Spain. We fought a war to defend Korea and lost 50,000 of our boys.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. DODD. Mr. President, I think this matter is certainly important to the people I am privileged to represent, in part, in the Senate. I shall not enter into a technical argument. I doubt very much whether people are interested in technicalities. I am interested in the substance of the matter.

I think the substance is this: That on this day the Senate voted to give the President of the United States a free hand in extending aid of practically any kind to Communist countries. We did that this morning, about noontime. To-

night, we are in a hassle on technical points, as to whether we should say that Spain, a country which is on our side in this struggle, shall not be granted a specific sum of money.

Spain has not been shooting down our planes; she has not been kidnapping our citizens. If it is a question of the kind of government which is involved, this is something new. It is not, because we certainly are not making much of that point. We shall be making less of it next Tuesday.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. BRIDGES].

Mr. LAUSCHE. Mr. President, about 1 year ago I voted for an appropriation which specifically designated by name certain countries as countries which should receive aid from our country.

Tonight, I contemplate voting for the amendment of the Senator from New Hampshire.

Whether we like it or not, we know that one of the issues in the country today is what our attitude toward Spain should be.

We are now receiving studies made by specific experts on foreign relations. Some say we should step out of Spain. Others say we should remain there, because the people of Spain are our most steadfast friends.

Any action tonight to change a practice that has been in effect for 8 years would be an implication that we are subscribing to the idea that we ought to move away from Spain; and I do not want any such implication to be left by my vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. BRIDGES].

On the question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Louisiana [Mr. LONG], and the Senator from Montana [Mr. MURRAY] are absent on official business.

I also announce that the Senator from Indiana [Mr. HARTKE] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that, if present and voting, the Senator from New Mexico [Mr. CHAVEZ] would vote "yea."

On this vote, the Senator from New Mexico [Mr. ANDERSON] is paired with the Senator from Louisiana [Mr. LONG]. If present and voting the Senator from New Mexico would vote "nay" and the Senator from Louisiana would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent on official business of the Joint Committee on Atomic Energy.

The Senator from Arizona [Mr. GOLDWATER] and the Senator from North Da-

kota [Mr. LANGER] are necessarily absent.

The Senator from Maryland [Mr. BEALL] and the Senator from Nebraska [Mr. HRUSKA] are detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], the Senator from Nebraska [Mr. HRUSKA], and the Senator from Maryland [Mr. BEALL] would each vote "yea."

The result was announced—yeas 49, nays 38, as follows:

## YEAS—49

|               |              |                |
|---------------|--------------|----------------|
| Aiken         | Ellender     | Prouty         |
| Allott        | Ervin        | Robertson      |
| Bible         | Fong         | Russell        |
| Bridges       | Frear        | Saltonstall    |
| Bush          | Hayden       | Schoeppel      |
| Butler        | Hickenlooper | Scott          |
| Byrd, Va.     | Holland      | Smathers       |
| Capehart      | Jordan       | Smith          |
| Case, N.J.    | Keating      | Stennis        |
| Case, S. Dak. | Kuchel       | Symington      |
| Cooper        | Lausche      | Talmadge       |
| Cotton        | McClellan    | Thurmond       |
| Curtis        | Mansfield    | Wiley          |
| Dirksen       | Martin       | Williams, Del. |
| Dodd          | Morton       | Young, N. Dak. |
| Dworshak      | Mundt        |                |
| Eastland      | Pastore      |                |

## NAYS—38

|              |                |                |
|--------------|----------------|----------------|
| Bartlett     | Hart           | Magnuson       |
| Byrd, W. Va. | Hennings       | Monroney       |
| Cannon       | Hill           | Morse          |
| Carlson      | Humphrey       | Moss           |
| Carroll      | Jackson        | Muskie         |
| Church       | Javits         | Neuberger      |
| Clark        | Johnson, Tex.  | Proxmire       |
| Douglas      | Johnston, S.C. | Randolph       |
| Engle        | Kefauver       | Sparkman       |
| Fulbright    | Long, Hawaii   | Williams, N.J. |
| Gore         | McCarthy       | Yarborough     |
| Green        | McGee          | Young, Ohio    |
| Gruening     | McNamara       |                |

## NOT VOTING—13

|           |         |           |
|-----------|---------|-----------|
| Anderson  | Hartke  | Long, La. |
| Beall     | Hruska  | Murray    |
| Bennett   | Kennedy | O'Mahoney |
| Chavez    | Kerr    |           |
| Goldwater | Langer  |           |

So Mr. BRIDGES' amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BRIDGES. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FULBRIGHT. Mr. President, there is one other matter which I think I should mention for the RECORD. The section appearing from line 17, page 9, to line 17, page 10, should be stricken from the bill. This is an attempt to rewrite provisions already in the bill with regard to the reprogramming of the program, whatever changes are made by the Executive.

The provision in the bill beginning on page 9 I think would make it almost impossible as a matter of bureaucratic red tape for the administration to do a good job in administering this program. It is far narrower than section 513, which is the provision in the existing law.

I, of course, do not know whether the Committee on Appropriations was familiar with this situation.

Mr. President, it is very late to argue this kind of program. All I am trying to say is that this is an example of a



provision relating to something already in the law, which deals with the procedure after a change is made by the administration, and sets out the procedure to be followed. This subject is covered in section 513 in the existing law. This is a much more restrictive program. It would require a reprogramming when there is only a very slight change such as 5 percent of the amount appropriated, as compared to the provision in the existing law, which is 50 percent.

If Senators want to tie the hands of the administration, this is a good way to do it.

It seems to me, in view of the criticism which has been so rampant in this body as to the way the program is administered, the body would be interested in facilitating administration, rather than tying the administration into 10 knots. I suggest that this is another example of the Appropriations Committee undertaking to rewrite the basic law, the legislative part of the law, and that it has nothing to do, really, with the appropriations. I think this provision would interfere very severely with efficient administration of the act.

I call this matter to the attention of the Senate, but in view of the mood of the Senate I have no doubt it will support the Committee on Appropriations.

The PRESIDING OFFICER. Does the Senator propose an amendment to strike?

Mr. FULBRIGHT. No.

The PRESIDING OFFICER. The bill is open to further amendment. If no further amendment is to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

Mr. HAYDEN. Mr. President, I inquire if all amendments which have been offered on the bill up to the present time have been disposed of.

The PRESIDING OFFICER. The Chair declared that the bill was open to further amendment, and no Senator offered an amendment.

Mr. HAYDEN. Mr. President, I call up my amendment identified as "9-10-59—E."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 20, after line 11, it is proposed to insert the following:

COMMISSION ON CIVIL RIGHTS  
*Salaries and expenses*

For an additional amount for "Salaries and expenses", \$500,000: *Provided*, That section 104(b) of the Civil Rights Act of 1957 is amended by striking out the words "two years" and inserting in lieu thereof "four years".

Mr. RUSSELL. Mr. President, I wish to make a point of order against the amendment. It is very clearly legislation offered to a general appropriation bill and is debarred by the provision of subparagraph 4 of rule XVI. There can be no question that an amendment which undertakes to amend a law is general legislation and is subject to a point of order.

The PRESIDING OFFICER. The Chair is prepared to rule on the point of order made by the Senator from Georgia. The point of order is well taken. The amendment constitutes general legislation on an appropriation bill, and the point of order is sustained.

Mr. HAYDEN. Mr. President, the committee report on the pending bill directed me as chairman of the Appropriations Committee to file a notice of intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing a legislative amendment to extend the life of the Civil Rights Commission for 2 years and to make an additional appropriation of \$500,000 to carry on the operations of the Commission for the fiscal year 1960.

This notice was printed at page 17144 of the CONGRESSIONAL RECORD of September 8, 1959.

A brief word of explanation is pertinent at this point. The authorizing legislation, Public Law 85-315, provided that the Commission shall submit its final report to the President not later than 2 years after its enactment, which was on September 9, 1957. It further prescribed that the Commission shall cease to exist 60 days after submission of its final report. Consequently, the Commission will end its operations on November 8 of this year unless legislative action is taken during this session of Congress.

The matter came to the committee's attention when the President submitted a budget request for \$500,000 to continue the work of the Commission, to be effective only upon the enactment into law of legislation extending the life of the Commission on Civil Rights.

It might be asked why the life of the Civil Rights Commission should be extended. One answer is that the Commission has actually been in existence for only 16 months. Not until 8 months after the establishment of the Commission had been authorized was the nomination of the staff director made and confirmed. Sixteen months is obviously not a sufficient period of time to make the investigations, studies, and appraisals prescribed by the Congress.

Unless the life of the Commission is extended, the members and staff personnel who have gained valuable experience will be relieved of their responsibilities and disbanded. A new Commission can be authorized, it is true, by a majority vote. But a new start would entail another delay in organization with its attendant problems. Thus, the logical procedure would be for the Senate to suspend its rule and vote for legislation extending the life of the present Commission.

Therefore, I now move to suspend paragraph 4 of rule XVI to offer a legislative amendment, the nature of which is to extend the life of the Civil Rights Commission for a 2-year period.

The PRESIDING OFFICER. The motion of the Senator from Arizona was filed in writing on the 8th of September, and therefore may be called up at this time. The motion is debatable. The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Georgia will state it.

Mr. RUSSELL. Mr. President, as I understand, under the rule a two-thirds vote is required to suspend the rule to offer legislation on an appropriation bill. Is that correct?

The PRESIDING OFFICER. The Senator is correct. It requires two-thirds of the Senators present and voting to suspend the rule.

Mr. RUSSELL. I ask further if under rule XVI it is not required that any amendment which may be proposed to the amendment suggested by the Senator from Arizona, in case the rule is suspended, must be germane to the subject matter of that specific amendment.

The PRESIDING OFFICER. The Senator is correct. Paragraph 4 requires that all amendments to an appropriation bill must be germane.

Mr. JAVITS and Mr. KEATING addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the junior Senator from New York.

Mr. KEATING. If the motion to suspend the rule is carried and an amendment is offered as to which the question of germaneness is raised, am I correct that the decision as to the question of germaneness will rest with the Members of the Senate, without any ruling by the Chair?

The PRESIDING OFFICER. The rules provide that on any such question the Chair should submit the question to the Senate for a decision.

Mr. KEATING. The question would be submitted to the Senate without a prior ruling by the Chair; is that correct?

The PRESIDING OFFICER. The Chair does not rule on that question; it is submitted to the Senate.

Mr. JAVITS. Is debate permitted on a question which is submitted to the Senate without a prior ruling by the Chair?

The PRESIDING OFFICER. The question is debatable; it may be debated by the Senate.

Mr. BUTLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUTLER. Would the question be decided by a majority vote of all the Senators present and voting?

The PRESIDING OFFICER. A simple majority of the Senators present and voting would decide the question.

Mr. ERVIN. Mr. President, I rise to speak in opposition to the motion of the able and distinguished Senator from Arizona. Those of us who have the honor of representing Southern States occupy in some respects a role which is not altogether pleasant on all occasions. This is true because so many persons would like to reconstruct our States, and in many instances these persons are not well informed as to the conditions of our States.



Mr. DIRKSEN. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. ERVIN. I yield for that purpose only.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. My inquiry is only for clarification. It is my understanding, in view of the nature of the amendment which has been offered, that when the rule of germaneness is invoked, only two amendments could be offered. One would be as to the amount involved, and the other would be as to the length of time of the extension of the commission. My statement goes a little beyond a parliamentary inquiry, but I do believe it would be in the interest of clarification for the Senate if the Parliamentarian would advise the Chair on that point.

The PRESIDING OFFICER. It is the opinion of the Chair that the Senator from Illinois [Mr. DIRKSEN] has correctly stated the rule.

Mr. DIRKSEN. Mr. President, I ask if the Senator from North Carolina will yield for one more inquiry?

Mr. ERVIN. I yield for that purpose only.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Would an amendment be germane which proposed to enlarge or extend the duties of the Civil Rights Commission?

The PRESIDING OFFICER. The Chair is not privileged to rule, but the Chair does not think such an amendment would be germane.

Mr. JAVITS. Mr. President, will the Senator yield for another point?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. JAVITS. I wish to make a parliamentary inquiry.

Mr. ERVIN. I yield for that purpose only.

Mr. JAVITS. Mr. President, I wish to call the Chair's attention to the rule for debate on the question of germaneness, and point out that paragraph 4 of rule XVI provides the question shall be decided without debate.

The PRESIDING OFFICER. The Chair will correct his ruling. If the question of germaneness is submitted to the Senate, it must be decided without debate.

Mr. JAVITS. Mr. President, one other parliamentary inquiry. It is a fact that the Chair's views on germaneness are not binding on the Senate, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. ERVIN. Mr. President, Josh Billings once said, "It is better to be ignorant than to know what ain't so."

There is a great deal of truth in that from a philosophical standpoint because a man who "knows what ain't so" has to forget what he knows before he can grasp the truth.

One of the unfortunate things today in the life of this Nation is the fact that there are so many people who try to reconstruct the South who "know what

ain't so" about the South. That is illustrated by many of the statements in this report.

For example, it discusses southern juries. On page 133 it deals with the prejudice of jurors.

Mr. President, so far as I know no one has attempted during recent years to bring a civil rights case before a jury in the South. There have been some related cases like the case in Clinton, Tenn., a case of interracial crime in Florida, an interracial crime in South Carolina, and an interracial crime in North Carolina within the past few months. In every one of these cases southern juries brought in verdicts of guilty, and yet we see in this report a gratuitous slander on southern juries such as were uttered time and again on the floor of the Senate during the civil rights fight of 1957.

There is another strange thing about some of those who would reconstruct us. They gaze upon us from afar and weep over our supposed sins. I sometimes envy those who weep about the misdeeds of people who are far off. I envy them because when one worries about the sins of people far away, such worry acts as a kind of opiate and blinds one to the problems lying upon one's own doorstep.

One of the paradoxical things about this whole matter is the fact that some of our friends, who have the most serious racial problems lying on their own doorsteps, are the ones who undertake to prescribe for Southern States. I say to those friends that if they would only find the solution for their own racial problems before they undertake to solve ours, we would be more ready to accept them as capable of doing what they undertake to do. But until they do that I shall have to associate them in my mind with the story that Will Rogers wrote on one occasion.

Will Rogers had written an article advising anyone who became ill to seek the services of a specialist in the particular medical field in which his illness lay rather than to seek the services of a general practitioner. He said a few days later that he was taken to the hospital in Beverly Hills, suffering with arthritis, and that on the following morning his old family doctor from Ardmore, Okla., came into his hospital room and said, "Will, you tried to put us old family doctors out of business. You wrote this article and said that when a person became ill, he should not seek the services of a general practitioner, but should obtain the services of a specialist in the field in which his illness lay."

The doctor added: "I was afraid you would take your own advice and fall into the hands of a specialist on arthritis. So I have come out here to look after you until you are on your feet again."

Will Rogers asked his old family doctor, "Doctor, do you know anything about arthritis?"

The old family doctor replied: "Yes; I do. I have been suffering from it myself for 50 years." [Laughter.]

I suggest that some of our friends who have racial problems lying upon their own doorsteps should first cure their

own arthritis before they undertake to prescribe for arthritis in the South.

I have a recollection at this time of the debate on the civil rights bill of 1957. We were told that what was needed was a special division in the Department of Justice, to be called the Civil Rights Division, to specialize in making the benighted southerners behave themselves in connection with racial relations in the civil rights area. A bill was passed establishing a Civil Rights Division in the Department of Justice. It has been operating since the fall of 1957, for almost 2 years.

Representatives of the Civil Rights Division of the Department of Justice came before the House Appropriations Committee this year seeking an appropriation. They were asked what work they had done in the civil rights field, the field which was said to be so overrun with crimes by southerners as to demand a special division in the Department of Justice. They got an appropriation of \$184,526 for 1958 and an appropriation of \$527,980 for 1959; and they were asking for an appropriation of \$541,000 for 1960.

When the officials of the Civil Rights Division of the Department of Justice were queried about their work, they made a report which showed they had been spending their time prosecuting everyone in the country except southerners. They testified that during the year 1958—last year—they tried only seven civil rights cases, in the ordinary understanding of the term—only seven. Of the seven, four involved charges of police brutality inflicted upon white men.

So the only southerners they could find to prosecute for criminal offenses in the interracial field, during the whole year 1958, were three. That comprises the work done in the field of civil rights by the Civil Rights Division of the Department of Justice for that year. That is the Division which is set up particularly to deal with those whom some persons consider to be benighted southerners.

Mr. HENNINGS. Mr. President, will the Senator yield for a question?

Mr. ERVIN. Yes.

Mr. HENNINGS. As the Senator from North Carolina knows, he and I have spent many hours discussing this matter in the Committee on the Judiciary and the Subcommittee on Constitutional Rights.

Does not the Senator, learned in the law as he is, and having been a judge, and an exceedingly fine one, realize that there is some value in a police force? Does he not realize that having a police force tends to diminish law violations?

Furthermore, the Senator knows, from reading the report of the Commission on Civil Rights, certain areas of New York City, for example, are set out in the book in charts, diagrams, figures, and words. This is not legislation designed in any way to be inimical to the Southern States, but is, rather, a matter relating to the freedom, liberties, and constitutional rights of all American citizens, wherever they may be. It is not a force bill to establish a Commission on



Civil Rights. We know there are violations of civil rights in the Northern States.

In my own State of Missouri there are integrated schools, but there have been no difficulties. True enough, there have been some outbursts, whether racially inspired or otherwise, between groups of young people or older people.

But the Commission is not essentially a Commission designed for the purpose of inflicting injury, injustice, or special regulation upon our brethren in the South.

Mr. ERVIN. I have read the report. The only comments I find which are directed, in any real sense of the term, against anyone except southerners are in reference to housing.

Mr. HENNINGS. The Senator recalls, does he not, that the report contains diagrams relating to the boroughs of Manhattan, the Bronx, Brooklyn, Queens, and Richmond?

Mr. ERVIN. Oh, yes; the Commission received some complaints from insane asylums and from prisons throughout the United States. Frankly, from my experience as a lawyer, I never knew of any man in prison who was satisfied with his situation. I never knew of anybody in an insane asylum who did not feel he was unjustly imprisoned there and had some complaints respecting it.

Mr. HENNINGS. I have been on the penitentiary subcommittee for some 5 years. I have found a good many men in the penitentiary who were indeed very much at home there and who were most amenable to the situation and did not like to leave. The ones who leave commit crimes so that they can come back, because they are accustomed to the penitentiary. That is where their friends and associates are. I have inspected many prisons in the last 4 or 5 years.

I thank the Senator from North Carolina for yielding.

Mr. ERVIN. I have had many clients sent to prison, but I have never had one who was happy there.

Mr. HENNINGS. May I ask the Senator if he ever had any innocent clients sent to prison?

Mr. ERVIN. I do not like to plead the fifth amendment, but I would hate to make a confession that I have had some innocent clients sent to prison. I have had some sent there who ought not to have gone there.

Mr. HENNINGS. That surely was not due to any lack of superlative advocacy on the part of the Senator from North Carolina, was it?

Mr. ERVIN. I thank the Senator from Missouri, but I fear that it was.

I might say that in addition to the 7 cases which the Department tried, or rather as a part of the 7 cases, it tried to get true bills in 11 cases, and got them in 4.

The Civil Rights Division received complaints about voting rights in 19 instances, they investigated 7, so they said, and found them impossible of establishment. That left 12. I do not know what happened to them. But that is the record of the achievements of the Civil

Rights Division, in the strictly civil rights field. It was asserted in 1957 that it was necessary to establish the Division because of the conduct of benighted southerners. Incidentally, before I leave the subject, the Civil Rights Division of the Department of Justice received only 19 voting rights complaints, notwithstanding the fact that the Attorney General made public proclamation that he was very much disappointed that the Department had not received more complaints.

Mr. President, that is the first time in my experience I have ever heard a man who was charged with the duty of enforcing the law express regret that he had not been able to find more law violations to prosecute.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. CARROLL. The Senator from North Carolina knows that long before Congress established the Civil Rights Commission in 1957, a division of the Attorney General's office had been trying to enforce certain civil rights statutes. For example, the Attorney General's office sent some of its members into Colorado and attempted to prosecute the warden of the State penitentiary because he was accused of violating the civil rights of the prisoners. I say to the Senator from North Carolina that the warden was acquitted. But that was a different kind of case than the Senator has in mind.

In 1957, Congress established a new concept by creating the Civil Rights Commission to do a different job than the one which the Attorney General of the United States had been required to do. Is not that correct? Is that not the law? Was not that the practice and procedure?

Mr. ERVIN. A Civil Rights Division was established in the Department of Justice for the primary purpose of prosecuting people in the South for alleged violations of civil rights. I do not know anything about civil rights in Colorado. I have never attempted to deal with rights in any other State.

Mr. CARROLL. I think we ought to clarify the issue. I am speaking of a time prior to 1957. There were certain civil rights laws in effect for many years, and there had been a Civil Rights Division in the Office of the Attorney General to deal with the different statutes relating to civil rights. I think we ought to distinguish between the two, because I think we are talking about different things.

Mr. ERVIN. The Senator from Colorado and I may be talking about different things. I am talking about the Civil Rights Division which was created in 1957, the Division which prosecuted seven real civil rights cases in 1958, four of which were charges of brutality by white policemen against white men.

Mr. CARROLL. Will the Senator from North Carolina yield once more—because I think it is a very important distinction.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator

from North Carolina yield to the Senator from Colorado?

Mr. ERVIN. I yield.

Mr. CARROLL. The Civil Rights Commission was created by Congress in 1957, was it not?

Mr. ERVIN. It was created by the Civil Rights Act of 1957, which was passed primarily for the purpose of robbing Southern State and local officials of the right of trial by jury.

Mr. CARROLL. The Senator from North Carolina may attribute to the Congress in creating the Commission any purpose he likes, but I am trying to distinguish between prosecutions by the Attorney General under the previous civil rights statutes and more recent cases. Now we are talking about an entirely different matter—the Civil Rights Commission, which had the power to investigate.

I think we should consider this distinction, as we debate this matter.

Mr. ERVIN. I do not like to disagree with the Senator from Colorado; but my recollection is that prior to the passage of the Civil Rights Act of 1957, all the so-called civil rights cases were handled by the Criminal Division of the Department of Justice, and that this statute was passed on the claim that so many crimes committed in this field fell within the Federal area that it was necessary to create a special division in the Department of Justice, to specialize in that one field.

Mr. RUSSELL. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I yield.

Mr. RUSSELL. As I understand the facts, there was what was called the civil rights section in the Department of Justice—a very small section. But in the 1957 act—due to the expected complaints—it was made a division, and an Office of Assistant Attorney General of the United States was created—formally, by statute.

Mr. ERVIN. That is correct. Before that, there was a squad. Then it was made a division.

Mr. RUSSELL. That is correct; before that it was a squad, and then it was made a division.

Of course, since then the Attorney General has said he has been surprised, if not shocked and disappointed, at the number of cases that have been referred to him. I think he was greatly surprised that a number of them did not originate in Southern States.

Mr. CARROLL. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield for a question.

Mr. CARROLL. We should keep the record straight. I agree with what has been said. But let us keep the record straight as we proceed; then I think we shall better understand the debate.

I agree with the remarks made thus far.

The small group which existed there was for the enforcement of the criminal statutes. That group was there for years.

In 1957, Congress created the Civil Rights Commission—and did so, in my opinion, in order to have the Commis-



sion do an entirely different job—and we shall talk about that job, based upon the report which has been submitted to the Congress and to the Nation.

I hope we clarify the record and keep it straight.

I respect the interpretation made by the Senator from North Carolina. But I want to keep the record straight as to the function of the Civil Rights Commission under the law, and as to the report which was submitted.

Mr. HENNINGS. Mr. President, will the gracious Senator from North Carolina yield to me for a brief question?

Mr. ERVIN. Yes.

Mr. HENNINGS. I am sure the Senator from North Carolina has heard, in his wide and varied field of study and reading, of what has been termed a guilt complex. Is there anything in this enactment relating to a Civil Rights Commission that refers to any section of the Union?

Mr. ERVIN. I think that theoretically it refers to all sections of the Union. But, as a practical matter, the report shows that the only conditions they are concerned with are in the South, except in some housing situations. That is the way I read the report.

Mr. HENNINGS. If the Senator from North Carolina will be so courteous as to yield further to me, let me ask why does not the Senator from North Carolina take the view that this is a national Commission relating to the denial of freedom and the right to be educated in every State in the Union? Why does the Senator think these conditions apply only to certain areas in the South? Indeed, some of them have been true in my own State; my own State had segregated schools, until the Supreme Court's decision; but my own State has integrated now, and I take pride in the fact that we have had little or no difficulty.

Mr. ERVIN. Mr. President, is the Senator from Missouri asking me a question?

Mr. HENNINGS. I should like to ask the Senator why he feels he need be on the defensive with respect to the South, if there is no denial of the right of citizenship in the South?

Mr. ERVIN. Yes; I am on the defensive; I am trying to defend the constitutional and legal systems of America for all Americans of all generations and all races, against those who, in their zeal, like blind Samson, would tear down the pillars of the temple.

Now I wish to talk a little about the Civil Rights Commission.

Mr. HENNINGS. We have been talking about the Attorney General. The Senator has referred to the Attorney General and to the so-called Division on Civil Rights.

Mr. ERVIN. I am about to leave that subject.

Mr. HENNINGS. The Senator will distinguish between that agency and the Civil Rights Commission, will he not?

Mr. ERVIN. I will, if the Senator from Missouri will permit me to do so.

Mr. HENNINGS. Will not the Senator suggest that the report is reasonably fair—in view of the fact that the

Commission has found relatively few violations, according to the Senator, and relatively little discrimination? Will not the Senator concede that it must be a fair Commission—one confirmed by the Senate, after being appointed by the President of the United States?

Mr. ERVIN. If the Senator from Missouri will pardon me, I shall proceed to speak—

Mr. HENNINGS. The Senator from North Carolina and I have dwelt in amity, and we have served on the committee these many years, without any personal vindictiveness or feeling about what is, in itself, an issue which is highly charged emotionally.

Mr. ERVIN. Absolutely; and I do not wish to appear ungracious in any respect.

Mr. HENNINGS. The Senator is not.

Mr. ERVIN. But I have the floor, and I wish to proceed with my speech.

Mr. TALMADGE. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

The Senate will be in order.

Mr. ERVIN. Mr. President, the Civil Rights Commission also went before the House Appropriations Committee, and asked for an appropriation for 1960.

In 1953, the Commission received \$200,000.

In 1959, the Commission received \$750,000.

For 1960, the Commission is now asking for \$788,000.

When the officials of the Civil Rights Commission went before the House Appropriations Committee, they were also asked about the work they had done; and I shall quote a remark made by Representative ROONEY, of the House Appropriations Committee. The Commission had had 922 complaints. Most of them came from insane asylums and prisons; and the Commission was not authorized to investigate any complaints from those sources. But most of the complaints came from those sources.

Mr. ROONEY said:

My first reaction to this is that I am surprised at the small number of complaints.

But under the act, the Commission was authorized to investigate only verified complaints, that is complaints on oath or affirmation alleging a denial of voting rights. The Commission received—down to April 30 of this year—only 253 verified voting-rights complaints which were sworn to and which the Commission was authorized to investigate under the statute which created the Commission. Down to the time when the Commission had received the 253 voting-rights complaints, from 25 States, the Commission's total expenditures were \$762,500. In other words, averaging the cost of the operation of the Commission for the voting rights complaints, the only thing it was authorized to investigate—it was authorized to make some studies, but not to investigate anything else—it cost the American taxpayer \$3,013.83 for each voting right complaint it received.

Now it is being asked that the life of the Commission be extended. The vot-

ing rights complaints which the Commission received to the 30th of April 1959, have cost the taxpayers \$3,013.83 per complaint. I do not think the taxpayers' money should be dealt with in that fashion.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. CARROLL. The Senator knows that before the law providing for the Civil Rights Commission was ever passed, while this matter was under debate in this body, the distinguished Senator from North Carolina, the distinguished Senator from Mississippi, the distinguished Senator from New Jersey, and I entered into a debate. It was common knowledge then, it is common knowledge in the lawbooks, it is common knowledge in the report of the Commission that there are certain areas in America where American citizens are denied the right to vote because they cannot register.

That is what the report contains. What is wrong with the report? Does not the report establish that there are areas in this country with thousands of American citizens of a certain class, where not one single American among them is permitted to register to vote? Is this fact not sustained by the decisions of the Federal courts of this country? Why do we say it costs \$3,000 a case when we bring out this point?

Mr. ERVIN. I say the Commission has made expenditures at the rate of \$3,013.18 a complaint, and so far as I have heard is has not developed a single case for criminal prosecution.

Mr. CARROLL. Will the Senator yield further? The function of the Civil Rights Commission is not to prosecute. The Civil Rights Commission was established for the function of investigating and revealing and reporting to the Congress, and they have done so. The fact that that report may astound certain people in this country and may offend certain people in the Congress is beside the point. In my own State—

Mr. ERVIN. Is my good friend asking me a question now?

Mr. CARROLL. I will put this question: Was not the Senator from North Carolina present when I asked the dean of the Law School of Southern Methodist University, who is from Texas, not from the North, about the appointment of the Civil Rights Commission in my own area? They did not contact me. I did not know who they were. One was a distinguished Republican newspaperman—

Mr. ERVIN. I have not seen any question mark in the statements of the Senator.

Mr. CARROLL. I am laying the predicate for the question. Was not the Senator from North Carolina there when I said, "Who are these people? How do you appoint them?" They told us how they appointed these commissions and these committees all over America. The Senator has made reference to the South. There are 150,000 Spanish-American people—

Mr. ERVIN. I still have not seen the Senator's question mark. I do not want to take up to midnight.



Mr. CARROLL. I ask the Senator if he was not present when I asked the question, and he told how they set up committees all over the East, West, North, and South. Is the Senator saying that because this Commission spent \$3,000 a case it is a prejudiced Commission; that it is a Commission that did not know what it was doing?

Mr. ERVIN. If the Senator will permit me to do so, I will tell him what I have to say about the Commission.

Mr. CARROLL. I would like to hear him.

Mr. JOHNSON of Texas. Mr. President, will the Senator from North Carolina yield to me for the purpose of propounding two requests, with the understanding that he will not lose the floor?

Mr. ERVIN. I yield with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT UNTIL 9 O'CLOCK A.M. ON MONDAY NEXT

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in adjournment until 9 o'clock on Monday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE JOURNAL

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Journal of today be approved without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. I thank my friend from North Carolina.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. MORSE. Mr. President, will the Senator yield to me for half a minute while I ask to make a filing at the desk, with the understanding that he will not lose the floor?

Mr. ERVIN. I yield with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, in accordance with rule XL, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, two amendments which I hereby file at the desk, without taking the time to read them. I am giving my notice tonight so that they may be considered Monday if I desire to call them up.

Mr. JOHNSON of Texas. Mr. President, will the Senator from North Caro-

lina yield to me for a unanimous consent request, with the understanding that he does not lose the floor?

Mr. ERVIN. I yield with the understanding that I do not lose the floor?

#### ORDER FOR CALL ON MONDAY NEXT OF MEASURES ON CALENDAR TO WHICH THERE IS NO OBJECTION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be a call of the calendar on Monday next for the consideration of bills to which there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. MORSE. Mr. President, did I get a ruling on the filing of my amendments?

The PRESIDING OFFICER. Without objection, the amendments will be received, printed, and will lie on the desk.

The notices presented by Mr. MORSE are as follows:

#### NOTICES OF MOTIONS TO SUSPEND THE RULE

Mr. MORSE submitted the following notice in writing:

Mr. President, in accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, the following amendment: At the appropriate place in the bill insert the following:

*"Provided further, That the Commission, in addition to its other functions, may collect and make available to States and local communities information concerning programs and procedures used by school districts to comply with the Supreme Court mandate either voluntarily or by court order, including data as to the known effects of the programs on the quality of education and the cost thereof. And provided further, That the Commission is further authorized to establish an advisory and conciliation service to assist local school officials in developing plans designed to meet constitutional requirements in the light of local conditions, and, upon request, to mediate and conciliate disputes which may arise with respect to proposed plans and their implementation."*

Mr. MORSE also submitted an amendment, intended to be proposed by him, to House bill 8385, making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, which was ordered to lie on the table and to be printed.

(For the text of amendment referred to, see the foregoing notice.)

Mr. MORSE also submitted the following notice in writing:

Mr. President, in accordance with rule XL of the Standing Rules of the Senate, I

hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, the following amendment: At the appropriate place in the bill insert the following:

*"Nor shall any person or group of persons, under color of State law, arbitrarily and without legal justification or cause, act, or being under duty to act, fail to act, in such manner as to deprive or threaten to deprive any individual or group of individuals of the opportunity to register, vote and have that vote counted for any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegate or Commissioner for the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate."*

Mr. MORSE also submitted an amendment, intended to be proposed by him, to House bill 8385, making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. KEATING. Mr. President, will the Senator yield for the purpose of my propounding a question to the Senator from Oregon, with the understanding that he does not lose the floor?

Mr. ERVIN. With the understanding I do not lose the floor, I yield.

Mr. KEATING. May I inquire of the distinguished Senator from Oregon if he would state the nature of the amendments, if he does not care to read them in full, which he is proposing?

Mr. MORSE. Well, it will only take me—

Mr. HENNINGS. Mr. President—  
The PRESIDING OFFICER. The Senator from North Carolina has yielded to the Senator from New York for the purpose of permitting the Senator from New York to ask a question of the Senator from Oregon.

Mr. ERVIN. Yes; for the purpose of propounding an inquiry to the Senator from Oregon.

Mr. MORSE. The first amendment provides—

Mr. JOHNSON of Texas. Mr. President, I cannot hear the Senator.

Mr. MORSE. The first amendment provides:

At the appropriate place in the bill insert the following: *"Provided further, That the Commission, in addition to its other functions, may collect and make available to States and local communities information concerning programs and procedures used by school districts to comply with the Supreme Court mandate either voluntarily or by court order, including data as to the known effects of the programs on the quality of education and the cost thereof. And provided further, That the Commission is further authorized to establish an advisory and conciliation service to assist local school officials in developing plans designed to meet constitutional requirements in the light of local conditions, and, upon request, to mediate and conciliate disputes which may arise with respect to proposed plans and their implementation."*



The other amendment provides:

At the appropriate place in the bill insert the following: "Nor shall any person or group of persons, under color of State law, arbitrarily and without legal justification or cause, act, or being under duty to act, fail to act, in such manner as to deprive or threaten to deprive any individual or group of individuals of the opportunity to register, vote and have that vote counted for any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegate or Commissioner for the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate."

Mr. ERVIN. Mr. President, I do not like to withdraw the yielding, but it seems to me that if the Senator from New York could confer with the Senator from Oregon and read the amendments, it would be better. I am afraid if it keeps on like this I am going to be in as bad a fix as the man and wife who were mountaineers in the mountains of North Carolina. They had raised their family and all their children had married and left them. They had used all their resources to educate their children. After their last child had left them, they decided to attain their ambition, which was to get a grandfather clock which would strike. So after their last child grew up, got married, and left them, they took all their egg money and all the money the mountaineer could make from his still and went down to Asheville and bought a grandfather

clock, and brought it back to their mountain cabin. They loved to hear the clock strike, so they sat around the first night listening to it long past their usual bedtime. The old mountaineer said to his wife, Mandy, "It would be a shame for this clock to strike so pretty and nobody to be awake to hear it." So they decided to stay up all night to hear it strike.

The next night they did the same thing. The third night Mandy said to John, when bedtime came along, "John, I have got to get some sleep." And John said, "Well, Mandy, it would be a shame for this fine clock to strike, as pretty as it strikes, and nobody to be awake to hear it. You go ahead and get some sleep tonight. I will sit up and hear the clock strike tonight, and tomorrow night I will sleep and you can sit up and hear the clock strike."

Well, Mandy went on to bed, and John sat up to hear the clock strike, hour after hour. It came to midnight, and something went wrong with the clock. It struck 12 times and then kept on striking—13, 14, 15, 16, 17 times. John got excited, ran and shook his wife and said, "Mandy, wake up. We have got to get out of here. It is later than I ever knewed it to be."

If I keep yielding tonight it is going to be "later than I ever knewed it to be" before I finish. [Laughter.]

Mr. HENNINGS. Mr. President, the genial, eloquent and delightful Senator from North Carolina always has a story which is appropriate for the occasion. I

have heard many of them, to my delight, in the committee.

Mr. JAVITS. Mr. President, will the Senator yield to me so that I may make a RECORD insertion?

Mr. ERVIN. Mr. President, with the understanding that I shall not lose my right to the floor and with the understanding that I am not going to yield to any other Senator, for fear that it will get "later than I ever knewed it to be," I will yield.

#### BOX SCORE ON JUDGESHIPS

Mr. JAVITS. Mr. President, I have previously had printed in the RECORD a chart in respect to the time elements relating to judgeship appointments and confirmations of nominations. There are, of course, many reasons for delays in nomination and confirmation which are valid, and can be supplied in any case, and in no case is there any implication to be drawn from this chart other than the actual elapsed time on each appointment. It may help us all however to see how long the average process requires with a view toward making our procedures as effective as possible, hence my willingness to expand the previous chart on request. I ask unanimous consent that I may have printed in the RECORD a new chart, to replace the previous chart as it was claimed that the whole process from vacancy to confirmation ought to be depicted in one chart.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

#### BOX SCORE ON JUDGESHIPS

##### District judges

|                                           | Vacancy          | Recess appointment | Nomination                 | Number of days from vacancy to nomination recess appointment <sup>1</sup> | Number of days in which administration could make nomination or recess appointment <sup>2</sup> | Confirmation                                       | Number of days from nomination to confirmation |
|-------------------------------------------|------------------|--------------------|----------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------|
| Henley, J. S.: Eastern Arkansas.....      | Jan. 14, 1957    |                    | Feb. 24, 1958              | 406                                                                       | 276                                                                                             | No Senate action (pending 180 days).               |                                                |
| Eastern and western Arkansas.....         | Aug. 5, 1958     | Oct. 25, 1958      | Jan. 17, 1959 <sup>3</sup> | 649                                                                       | 62                                                                                              | Pending 213 days. <sup>4</sup>                     |                                                |
| Young, G. E.: Eastern Arkansas.....       | Jan. 14, 1957    |                    | Aug. 18, 1959              | 378                                                                       | 378                                                                                             | Sept. 2, 1959.....                                 | 15 (from 1st nomination: 555).                 |
| Robson, E. A.: Northern Illinois.....     | Aug. 16, 1958    | Sept. 29, 1958     | Jan. 17, 1959              | 946                                                                       | ( <sup>5</sup> )                                                                                | do.....                                            | 15.                                            |
| Hart, G. L.: District of Columbia.....    | Feb. 25, 1958    | Aug. 29, 1958      | Aug. 16, 1958              | 44                                                                        | 44                                                                                              | Apr. 29, 1959.....                                 | 102.                                           |
|                                           |                  |                    | Jan. 17, 1959 <sup>3</sup> | 172                                                                       | 172                                                                                             | No Senate action (pending 7 days).                 |                                                |
|                                           |                  |                    |                            | 185                                                                       | 5                                                                                               | Sept. 9, 1959.....                                 | 235 (from 1st nomination 389).                 |
| Gilmartin, E. R.: Guam.....               | ( <sup>6</sup> ) | do.....            | do.....                    | 0                                                                         | 0                                                                                               | do.....                                            | 235.                                           |
| Gordon, W. A.: Virgin Islands.....        | Nov. 15, 1957    | Aug. 29, 1958      | Aug. 4, 1958               | 262                                                                       | 262                                                                                             | No Senate action (pending 19 days).                |                                                |
|                                           |                  |                    | Jan. 17, 1959 <sup>3</sup> | 287                                                                       | 5                                                                                               | Sept. 2, 1959.....                                 | 228 (from 1st nomination: 394).                |
| Tucker, J. G.: Eastern Texas.....         | Feb. 14, 1958    |                    | Feb. 12, 1959              | 363                                                                       | 227                                                                                             | Nomination withdrawn Aug. 3, 1959, after 172 days. |                                                |
| Fisher, J. J.: Eastern Texas.....         | do.....          |                    | Sept. 7, 1959              | 570                                                                       | 735                                                                                             | Sept. 9, 1959.....                                 | 2.                                             |
| Crocker, M. D.: Southern California.....  | Sept. 2, 1958    |                    | Feb. 16, 1959              | 167                                                                       | 167                                                                                             | Sept. 9, 1959.....                                 | 206 as of Sept. 10, 1959.                      |
| Kunzel, F.: Southern California.....      | Nov. 1, 1958     |                    | do.....                    | 107                                                                       | 107                                                                                             | July 28, 1959.....                                 | 159.                                           |
| Kilkenny, J. F.: Oregon.....              | Dec. 31, 1958    |                    | Feb. 19, 1959              | 50                                                                        | 50                                                                                              | Sept. 9, 1959.....                                 | 195.                                           |
| Julian, A.: Massachusetts.....            | Sept. 9, 1959    |                    | Feb. 26, 1959              | ( <sup>7</sup> )                                                          | 100                                                                                             | do.....                                            | 195.                                           |
| Walsh, L. P.: District of Columbia.....   | Nov. 18, 1958    |                    | do.....                    | 306                                                                       | 170                                                                                             | do.....                                            | 191.                                           |
| Wood, H. K.: Eastern Pennsylvania.....    | May 1, 1958      |                    | Mar. 2, 1959               | 436                                                                       | 300                                                                                             | do.....                                            | 183.                                           |
| MaeMahon, L. F.: Southern New York.....   | Dec. 29, 1957    |                    | Mar. 10, 1959              | 12                                                                        | 12                                                                                              | do.....                                            | 147.                                           |
| Metzner, C. M.: Southern New York.....    | Apr. 3, 1959     |                    | Apr. 15, 1959              | 469                                                                       | 333                                                                                             | July 28, 1959.....                                 | 99.                                            |
| Bartels, J. R.: Eastern New York.....     | Jan. 6, 1958     |                    | Apr. 20, 1959              | 131                                                                       | 131                                                                                             | do.....                                            | 140 as of Sept. 10, 1959.                      |
| Sweigert, W. T.: Northern California..... | Dec. 13, 1958    |                    | Apr. 23, 1959              | 228                                                                       | 228                                                                                             | Aug. 12, 1959.....                                 | 93.                                            |
| Field, J. A.: Southern West Virginia..... | Sept. 25, 1958   |                    | May 11, 1959               | 256                                                                       | 256                                                                                             | June 16, 1959.....                                 | 21.                                            |
| Powell, C. L.: Eastern Washington.....    | Sept. 12, 1958   |                    | May 26, 1959               |                                                                           |                                                                                                 |                                                    |                                                |

Footnotes at end of table.



## BOX SCORE ON JUDGESHIPS

## District judges—Continued

|                                             | Vac. ney         | Recess appointment | Nomination    | Number of days from vacancy to nomination or recess appointment <sup>1</sup> | Number of days in which administration could make nomination or recess appointment <sup>2</sup> | Confirmation       | Number of days from nomination to confirmation |
|---------------------------------------------|------------------|--------------------|---------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------|
| Dalton, T.: Western Virginia.....           | Aug. 1, 1958     |                    | July 21, 1959 | 354                                                                          | 354                                                                                             | Aug. 12, 1959..... | 22.                                            |
| Weinman, C. A.: Southern Ohio.....          | July 15, 1959    |                    | July 28, 1959 | 13                                                                           | 13                                                                                              | Sept. 2, 1959..... | 36.                                            |
| Butler, A. L.: Eastern, North Carolina..... | Mar. 16, 1959    |                    | do.....       | 134                                                                          | 134                                                                                             | Aug. 28, 1959..... | 31.                                            |
| Paul, C. F.: Northern West Virginia.....    | June 21, 1959    |                    | Aug. 3, 1959  | 43                                                                           | 43                                                                                              |                    | 38 as of Sept. 10, 1959.                       |
| Kalbfeisch, G. E.: Northern Ohio.....       | Sept. 9, 1959    |                    | Aug. 21, 1959 | ( <sup>3</sup> )                                                             |                                                                                                 |                    | 20 as of Sept. 10, 1959.                       |
| Henderson, J. O.: Western New York.....     | May 24, 1959     |                    | do.....       | 89                                                                           | 89                                                                                              |                    | Do.                                            |
| Timbers, W. H.: Connecticut.....            | ( <sup>4</sup> ) |                    | Aug. 27, 1959 |                                                                              |                                                                                                 |                    | 14 as of Sept. 10, 1959.                       |

<sup>1</sup> Whichever takes place first.<sup>2</sup> The Senate was in adjournment for 130 days between 1957 and 1958, and for 136 days between 1958 and 1959. During these periods the administration could make no nominations nor could it make recess appointments for vacancies which occurred 31 days or more before Congress adjourned, unless such appointments were made for vacancies for which nominations had been submitted to the Senate before adjournment and the Senate had taken no action on them.<sup>3</sup> Renominated.<sup>4</sup> Nominated on Aug 18, 1959 for the eastern and western districts of Arkansas.<sup>5</sup> Nominated for the eastern district of Arkansas on the same date as Mr. Henley, the previous nominee, was nominated for the eastern and western districts.<sup>6</sup> The predecessor served until Mr. Gilmartin received the recess appointment.<sup>7</sup> From date that Mr. Tucker's nomination was withdrawn.<sup>8</sup> Nominated on the same date as the predecessor, Mr. Aldrich, was nominated for the 1st circuit court. Both were confirmed to their new posts on Sept. 9, 1959.<sup>9</sup> The predecessor gave notice that he would resign on Sept. 9, 1959.<sup>10</sup> Nominated on the same date as the predecessor, Mr. Smith, was nominated for the 2d circuit court. Mr. Smith is still a member of the district court of Connecticut.

## Circuit judges

|                                   | Vacancy       | Nomination    | Number of days from vacancy to nomination or recess appointment | Number of days in which administration could make nomination or recess appointment <sup>1</sup> | Confirmation       | Number of days from nomination to confirmation |
|-----------------------------------|---------------|---------------|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------|
| Boreman, H. S., 4th circuit.....  | Mar. 17, 1958 | Jan. 20, 1959 | 309                                                             | 173                                                                                             | June 16, 1959..... | 147                                            |
| Forman, P., 3d circuit.....       | Dec. 31, 1958 | Feb. 9, 1959  | 40                                                              | 40                                                                                              | Sept. 9, 1959..... | 212                                            |
| Cecil, L. L., 6th circuit.....    | Oct. 13, 1958 | Feb. 17, 1959 | 127                                                             | 127                                                                                             | July 15, 1959..... | 148                                            |
| Aldrich, B., 1st circuit.....     | June 12, 1959 | Feb. 26, 1959 | ( <sup>2</sup> )                                                |                                                                                                 | Sept. 9, 1959..... | 195                                            |
| Castle, L., 7th circuit.....      | Jan. 4, 1959  | do.....       | 53                                                              | 53                                                                                              | Apr. 29, 1959..... | 62                                             |
| Friendly, H. J., 2d circuit.....  | Mar. 1, 1958  | Mar. 10, 1959 | 374                                                             | 238                                                                                             | Sept. 9, 1959..... | 183                                            |
| Weick, P. C., 6th circuit.....    | Oct. 5, 1959  | Aug. 5, 1959  | ( <sup>3</sup> )                                                |                                                                                                 | do.....            | 35                                             |
| Blackmun, H. A., 8th circuit..... | June 30, 1959 | Aug. 18, 1959 | 49                                                              | 49                                                                                              |                    | <sup>4</sup> 23                                |
| Smith, J. J., 2d circuit.....     | May 15, 1959  | Aug. 27, 1959 | 104                                                             | 104                                                                                             |                    | <sup>4</sup> 14                                |
| Merill, C., 9th circuit.....      | Nov. 30, 1958 | do.....       | 279                                                             | 270                                                                                             |                    | <sup>4</sup> 14                                |

<sup>1</sup> Vacancies which occur 31 days or more before Congress adjourns cannot be filled by a recess appointment. Therefore, the administration could make neither a recess appointment nor a nomination during the 136 days of congressional adjournment between the 85th and 86th Congs.<sup>2</sup> Mr. Aldrich's predecessor gave notice that he would resign on June 12, 1959.<sup>3</sup> Mr. Weick's predecessor gave notice that he would resign on Oct. 5, 1959.<sup>4</sup> As of Sept. 10, 1959.

## MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

## SOLUTION OF RACIAL PROBLEMS

Mr. ERVIN. Mr. President, when all is said, racial problems can be solved only by good will, intelligence, and patience on the local level where men and women live, move, and have their being. Their solution cannot be dictated from above, either by dictators holding executive offices, or dictators occupying legislative offices, or dictators wearing judicial robes.

## COMPULSORY INTEGRATION

For this and other reasons, I disagree with those who seek to compel the involuntary association of the races by executive action, judicial decree, or legislative fiat. Despite assertions by sincere persons, professional agitators, and political opportunists to the contrary, racial segregation is not the product of racial prejudice. It results from the exercise of a most precious American right—the freedom to select one's own associations. Observations in the North, the South, the East, and the West show that whenever Americans are at liberty to select their

own associates, they virtually always select as their associates members of their own race. This is not strange because it harmonizes with the basic law of nature that like seeks like.

Compulsory integration is fundamentally wrong because it robs the people affected by it of the freedom to select their own associates.

## PROPOSED CIVIL RIGHTS LEGISLATION

The constitutional and legal systems of America are the finest products of human experience and wisdom, and should be preserved at all costs for the benefit of all Americans of all races and all generations.

It is high time for Americans of all races in all sections of the country to wake up to the fact that advocates of the major proposals for civil rights legislation are trying to sell their constitutional and legal birthrights for a sorry mess of political pottage. This is true for the very simple reason that all major civil rights proposals are repugnant to our constitutional and legal systems.

The men who framed our constitutional and legal systems comprehended in full measure the everlasting truth that no man or set of men can be safely trusted with governmental power of an unlimited nature. In consequence, they were determined, above all things, to

establish a government of laws and not of men.

To prevent the exercise of arbitrary power by government, they inserted in the Constitution of the United States the doctrine of the separation of governmental powers.

They utilized this doctrine in a two-fold way. They delegated to the Federal Government the powers necessary to enable it to discharge its functions as a central government, and they left to the States all other governmental powers. It was this use of the doctrine of the separation of powers which prompted Chief Justice Salmon P. Chase to make this memorable remark in his opinion in *Texas against White*: "The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States."

In their other utilization of the doctrine of the separation of powers, the framers of our constitutional and legal systems vested the power to make laws in the Congress, the power to execute laws in the President, and the power to interpret laws in the Supreme Court of the United States and such inferior courts as the Congress might establish.

Time and space do not permit me to analyze in detail the provisions of the numerous proposals for civil-rights legislation. It is indisputable, however,



that the provisions of the major proposals in this field cannot possibly be reconciled with the fundamentals of our constitutional and legal systems.

This is true for these reasons:

First. They undertake to concentrate in the Federal Government the power to supervise and control all relations between the States and their citizens. In so doing, they are utterly repugnant to the constitutional principle that our indestructible Union is composed of indestructible States.

Second. They single out certain groups of Americans on account of their race and undertake to make them the special favorites of the laws. In so doing, they are utterly repugnant to the basic American concept that courts are created to administer equal and exact justice according to certain and uniform laws applying alike to all men in like situations.

Third. They single out certain groups of Americans and undertake to confer upon them certain so-called civil rights by robbing State and local officials and all other Americans involved in civil rights disputes of the basic and invaluable constitutional and legal safeguards created by the Constitution and the Congress to protect all Americans from bureaucratic and judicial tyranny.

4. They vest the power to invoke the procedures they establish in certain non-elected Federal officers, such as the Attorney General and the Secretary of Health, Education, and Welfare, who may grant or withhold their supposed benefits at their despotic election. In so doing they offend the basic American concept that ours is a government of laws rather than a government of men.

#### NEW LEGISLATION UNNECESSARY

A study of existing statutes shows that new legislation in this field is wholly unnecessary.

Sections 1981 to 1992 of title 42 of the United States Code confer upon all Americans legal and equitable remedies sufficient to enforce all of their civil rights. To be sure, advocates of new legislation in this field do not like these statutes because they require that the rights devolving upon each American as a citizen or a man shall "be protected in the ordinary modes by which other men's rights are protected."

The concept of uniform laws is abhorrent to those who would single out certain groups and make them the special favorites of the laws.

Section 241 of title 18 of the United States Code provides heavy criminal penalties for those who "conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having exercised the same."

Section 242 of title 18 of the United States Code provides criminal penalties for any State or local official who "willfully subjects any inhabitant of any State, territory, or district, to the deprivation of any rights, privileges or immunities secured or protected by the

Constitution or laws of the United States."

Under these two criminal statutes, the Department of Justice can prosecute in a Federal Court any State or local official who willfully denies any qualified person the right to register or vote, or any other right secured to him by the Constitution or laws of the United States. To be sure, the burden would rest upon the Department of Justice to prove such State or local official to be guilty by the testimony of credible witnesses having personal knowledge of the truth of the charge against such official.

Advocates of new legislation in this field do not like these statutes because they would deny to State and local officials and all other Americans involved in civil rights cases, legal rights which they are willing to accord to persons charged with murder, smuggling, dope peddling, counterfeiting, and other crimes.

Mr. President, I make this assertion without fear of successful contradiction. There are already enough statutes on the statute books to enable the Federal Government to see to it that every American citizen is protected in the enjoyment of all his civil rights. Strangely, the Department of Justice has about quit prosecuting men for violating the statutes to which I have called the attention of the Senate. The Department of Justice and the advocates of civil rights legislation want the Congress to pass a few laws which will enable them to browbeat people into submission to their will without ever having to prove the truth of charges made against them. In other words, the Attorney General and the advocates of civil rights want someone to give them some loaded legal dice, and they want a guarantee that they cannot lose a case before they will bring one.

Mr. KEATING. Mr. President, will the distinguished Senator from North Carolina yield?

Mr. ERVIN. I think perhaps it is later than we have ever known it to be.

Mr. KEATING. That is the comment I was about to make to the distinguished Senator.

Mr. ERVIN. The real character of the portion of the report written by the staff of the Commission is clearly revealed by the following statements of members of the Commission.

First. The statement of Commissioner Battle that—

The report \* \* \* is not an impartial, factual statement \* \* \* but rather, in large part, an argument in advocacy of preconceived ideas in the field of race relations.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JOHNSTON of South Carolina. Is there anything in the report to which all of the members of the Commission agreed?

Mr. ERVIN. No.

Mr. JOHNSTON of South Carolina. Is there anything that the majority agreed upon?

Mr. ERVIN. There are one or two things the majority agreed upon, but

there is not anything they all agreed upon.

#### REPORT OF THE COMMISSION

Although I opposed the creation of the Commission on Civil Rights, I nevertheless entertained the hope that the Commission would suggest something new and constructive in the field of racial relations. The report of the Commission today has robbed me of this hope.

The report is not a report in any real sense of the term. This is true because the report has many authors who entertain and express differing views. The major portion of the report is written by the staff of the Commission. The other portions of the report are written by individual Commissioners or groups of Commissioners.

The portion of the report written by the staff of the Commission consists of the same old clichés which have been used for years by those who make the advocacy of civil rights legislation and compulsory racial integration a profession.

Second. The statement of Vice Chairman Storey and Commissioners Battle and Carlton that the portion of the report dealing with public education "is to a large extent argumentative and colored by the authors' views on the sociological and philosophical aspects of the school integration problem."

Third. The statement of Vice Chairman Storey and Commissioners Battle and Carlton that "some parts of the foregoing report are argumentative, with suggestions keyed to integration rather than housing," and "suggest a fixed program of mixing the races anywhere and everywhere regardless of the wishes of either race and particular problems involved."

Time and space preclude me from discussing the report in detail. For this reason, I shall confine my observations to the proposal that the Constitution of the United States be amended so as to deprive the States of their present constitutional power to prescribe the qualifications of voters; the proposal that all colleges, both public and private, be deprived of all Federal grants to coerce them into integrating their student bodies; the proposal that the Commission on Civil Rights be made a permanent governmental agency so that its staff may assist in bringing about the integration of all public schools in Southern States; and the proposal that all federally assisted housing be integrated. I wish to note at this point that Vice Chairman Storey and Commissioners Battle and Carlton, who are far more familiar with the South than the other Commissioners, entered vigorous dissents to these proposals.

#### THE PROPOSED CONSTITUTIONAL AMENDMENT

The Constitution provides that "each States shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress"—article II, clause 2—that "the House of Representatives shall be composed of Members chosen every sec-



ond year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures"—article 5, section 2—and that "the Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures"—amendment 17, clause 1.

If history shows anything, it shows that the framers of the Constitution were wise in permitting the States to prescribe the qualifications for voters. On one occasion, Congress rejected the wisdom of the Founding Fathers in this respect and undertook to let the National Government act in this field. This congressional folly resulted in the tragic era now known as Reconstruction, which culminated in the shameful episode in which Samuel J. Tilden, the duly elected candidate for the office, was robbed of the Presidency.

Despite this sad historical experience, it is proposed that the Constitution of the United States be amended so as to vest in every person of the required age and place of residence not actually confined in an insane asylum or a prison an absolute right to vote in any election held for any purpose in any political subdivision anywhere in the 50 States constituting the United States, even though he be an illiterate idiot or an unreformed felon under conviction for a crime involving moral turpitude.

That is the most astounding proposal, Mr. President, that every citizen, even though he be an idiot, and even though he be a convicted felon, be given a constitutional right to vote in every election in the area in which he has his permanent residence.

When all is said, the only reason assigned for the proposal that the States be robbed of the right to prescribe intelligence tests for voters and barred from depriving unconfined idiots and unconfined felons from the elective franchise is simply this: It is alleged that in a comparatively few areas of the country supposedly qualified persons have been denied the right to register and vote, and that it would be easier to establish the truth of such allegations in the future if the only qualifications required of voters were the possession of a physical body, with or without intelligence, plus an attained age and a fixed place of residence.

For Congress and the States to heed this proposal for such a constitutional amendment would be about as sensible as using an atomic bomb to destroy a few rats.

As I have already pointed out, there are now sufficient Federal statutes to prevent or punish any provable charges that any qualified person is being wrongfully denied the right to register and vote in any of the 165,115 voting precincts in the 50 States comprising the Union.

THE PROPOSED DENIAL OF FEDERAL GRANTS

Coercion to compel conformity or to stifle dissent is inexcusable, whether exerted by individuals or by government. For this reason, I deplore the proposal that executive agencies and departments of the Federal Government withhold all grants to colleges, both public and private, to coerce their administrators into integrating their student bodies. It is to be remembered that Congress makes these grants to facilitate the education of the boys and girls who attend these colleges in the capacity of students and who have no control whatever over their administration. This proposal seeks to visit the supposed sins of the administrators upon the innocent students with a vengeance, and I might say that it indicates that the staff of the Commission think they would rather accept ignorance if there were an alternative to integration.

THE PROPOSAL RELATING TO SECONDARY PUBLIC SCHOOLS

In an able opinion in *Briggs v. Elliott*, 132 Fed. Supp. 776, the late Chief Judge John J. Parker of the U.S. Court of Appeals for the Fourth District, one of the ablest and most distinguished jurists America has ever known, explained "exactly what the Supreme Court has decided" in the so-called school desegregation cases Judge Parker said:

It has not decided that the Federal courts are to take over or regulate the public schools of the States. It has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the State may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The 14th amendment is a limitation upon the exercise of power by the State or State agencies, not a limitation upon the freedom of individuals.

After acknowledging Judge Parker's interpretation of the so-called school desegregation cases to be sound, the portion of the report written by the staff of the Commission forthwith forsakes Judge Parker's sound interpretation for its own erroneous interpretation that the cases require the complete desegregation of all public schools in the South regardless of the wishes of the people of both races in particular districts, and urges that the Commission on Civil Rights be made a permanent agency to assist in bringing such desegregation to

pass. I cannot refrain from observing at this point that the central theme of the portion of the report written by the staff of the Commission is the desirability of perpetuating the Commission on Civil Rights and the jobs of the members of its staff.

THE PROPOSAL TO INTEGRATE ALL FEDERALLY ASSISTED HOUSING

The sociological bent of the staff of the Commission on Civil Rights is disclosed by many portions of the report written by it. For example, it deplores the fact that many nonwhite American families live in secondhand homes—a statement equally applicable to the overwhelming majority of all white American families, both rich and poor. I have no figures to estimate how many families live in secondhand homes, but I would venture the assertion that it is somewhere about 90 percent or more. As a matter of fact the President of the United States lives in a secondhand White House. This is an example of many of the remarks of the staff of the Commission, showing the angle from which they approach these problems.

A perusal of the portion of the report written by the staff of the Commission relating to housing recommends that "all federally assisted housing, including housing constructed with the assistance of Federal mortgage insurance or loan guarantees as well as federally aided public housing and urban renewal projects" be integrated, and thus supports the observation of Vice Chairman Storey and Commissioners Battle and Carlton that such parts of the report are "keyed to integration rather than housing," and "suggest a fixed program of mixing the races anywhere and everywhere regardless of the wishes of either race." As these gentlemen state, suggestions of this nature "if carried out in full, will result in delay and in many cases the defeat of adequate housing." This is undoubtedly true because Senators and Congressmen who believe that Americans should have the freedom to select their own associates are not likely to support a federally assisted housing program which is diverted from its primary purpose of providing shelter for American families to that of producing compulsory association of the races.

The statements in the portion of the report of the staff deploring blockbusting, expressing concern for "the legitimate interest of white neighborhoods," and advocating "expanding Negro residential areas" seem to justify the inference that the staff of the Commission tolerates, if it does not actually favor, the continuance of conditions now prevailing in many American cities, which were succinctly described a few days ago in the following words in a letter which one New Yorker wrote to other New Yorkers, and which I have been granted the liberty of using:

May I ask whether we really do have integration here in New York, or whether we have integration only for poor people? That is, for the people who can't afford to move to the suburbs and can't afford to



send their children to private schools. Are there any so-called champions of civil rights who now live in integrated areas or whose children are attending integrated schools?

When all is said, the report of the Commission leaves me with the abiding conviction that the staff of the Commission is inseparably wedded to the propositions that Americans ought not to have the freedom to select their own associates, and that all possible governmental powers ought to be diverted from their primary functions to that of compelling the involuntary association of the races.

In closing, Mr. President, I wish to reiterate that it is high time for all Americans in all sections of this Nation and for all races to wake up to the fact that they are about to be robbed of their constitutional and legal birthrights for a sorry mess of political pottage, and that the report of the Commission indicates that the Commission, or at least the staff of the Commission, is prepared to assist in bringing about this destruction of our constitutional and legal systems.

Mr. GORE. Mr. President, will the Senator from North Carolina yield to me a moment?

Mr. ERVIN. I am happy to yield.

Mr. GORE. I have listened with care and attention to the able address of my friend and my neighbor, with whom I have served in both bodies of the U.S. Congress. I do not find myself in full agreement with all that he has said, but he has made a noteworthy address this evening.

I agree with some of the criticisms leveled against the report.

I am one of those who voted to establish the Commission. In many respects this report is injudicious. It reports hearsay evidence without verification. I wonder why.

I really rose to compliment the Senator from North Carolina upon his diligence, upon his eloquence, upon his sincerity, and upon his penetrating analysis.

On Monday I shall attempt to analyze the situation presented and announce my own position. But tonight I wanted to compliment my friend, neighbor, and colleague.

Mr. ERVIN. I am deeply grateful to the Senator from Tennessee for his far too generous remarks.

Mr. HENNINGS subsequently said: Mr. President, realizing that anything which is said in the debate on this subject on this floor is not going to change one vote, I ask unanimous consent that I may have my remarks printed in the RECORD following those of the distinguished Senator from North Carolina, together with an editorial from the Washington Post and Times Herald of Saturday, September 12, 1959.

Mr. ERVIN. Mr. President, with the understanding that I shall not lose my right to the floor I will yield to my genial friend from Missouri so that he may make such a request.

Mr. HENNINGS. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

#### STATEMENT BY SENATOR HENNINGS

With reluctance and deep regret, I have been forced to accept the bitter fact that substantial legislation to further strengthen and protect the rights guaranteed to all our people under the Constitution of the United States cannot be obtained this year.

Several weeks ago, I offered and asked to have printed several proposals which I felt would give emphasis to the rights of the individual. These proposals dealt with due process of law and equal protection of the laws; with the rights of American citizens to register and vote in Federal elections; with the right of children to enjoy the benefits of desegregated public education; with the right of persons in the United States to have civil injunctive remedies brought for the protection of their constitutional rights by the Attorney General and with other matters.

In offering these proposals, I circumvented normal procedure. I did so only after the Senate Constitutional Rights Subcommittee held extensive hearings on the legislation referred to us. The subcommittee made arrangements to hear every person who asked for the opportunity to appear before us; it received the testimony of all who came before the Subcommittee on Constitutional Rights.

The subcommittee received and filed in the record innumerable statements from individuals and organizations favoring or opposing the legislation before us. The subcommittee heard 60 witnesses in 21 days of open hearings. The printed record runs to more than 2,800 pages. The subcommittee reported a two-part bill to the Senate Judiciary Committee, but members of the full committee were never given an opportunity to vote on reporting the subcommittee two-part bill or a stronger bill, and I was forced to go outside regular procedure and submit the comprehensive proposals as an amendment to a pending Senate bill.

However, Mr. President, as I have said, I do not believe adequate rights legislation can be adopted this year.

In the House the Judiciary Subcommittee considering civil rights legislation recommended a significant bill, but the relatively stronger sections were struck out or watered down before the bill was finally reported by the House Judiciary Committee. Even this bill has not yet received clearance for House floor debate. It is still before the House Rules Committee, and the petition to discharge the House Rules Committee from further consideration—a move which would permit the House to take the bill and act on it this year—has obtained, at the last count, less than half the number of signatures required.

In the Senate, there is equally faint hope for meaningful civil rights legislation. There are, of course, the votes necessary to approve some legislation, but there are also those Members who have broadly implied that they will talk at great length on any substantial civil rights proposals suggested this year.

However, if faced with several days of prolonged debate in opposition to this mild proposal to extend the life of the Commission for 2 years, I, for one, favor making the protracted discussion meaningful. This could be done by an amendment, for under the rules of the Senate, whenever the rules are suspended to allow a legislative proposal to be added to an appropriation bill, amendments to the rider may be proposed (providing the Senate decides they are germane). If need be, we could propose as an amendment the controversial part III, the civil court remedy proposal, or possibly a

sense resolution of the Congress clearly and unequivocally stating that Congress believes racial segregation in public education is unlawful and violates the 14th amendment, or possibly, the provisions for technical aid and financial assistance to local communities to help effectively accomplish public school desegregation.

On the other hand, if there is no long drawnout and prolonged debate against the extension of the Civil Rights Commission, and with clear assurance that the Senate will have adequate opportunity in the early days of the second session of the present Congress to consider real and comprehensive civil rights legislation and to pass as strong a bill as possible, I believe we who favor substantial civil rights legislation should accept the fact that the Senate cannot at this time enact adequate legislation. And I would like to point out that the extension of the life of the Civil Rights Commission is in no way meaningful legislation.

I do hope, however, that every Member of Congress will carefully examine the full report filed this week by the Civil Rights Commission. We should compare the findings, recommendations, and proposals with the report, to secure these rights, filed 12 years ago by President Truman's Committee on Civil Rights.

We should ask ourselves, how do the Commission findings, recommendations and proposals compare to legislative recommendations made over the years by the Members of Congress in the form of bills and resolutions? Already bills are being introduced to carry out some of the recommendations of the Civil Rights Commission. We should be prepared in January to enact civil rights legislation which will meet the demands of our people, insuring to all Americans the rights and freedoms of our Constitution, the law of the land.

[From the Washington Post, Sept. 12, 1959]

#### THE CRC LOOKS AHEAD

Before Congress passes judgment upon the Civil Rights Commission it would be highly desirable if every Member could read its report or at least the 200-page abridgment entitled "With Liberty and Justice for All." The report is humanitarian in tone, constructive in outlook, and thoroughly grounded on the basic principles of the U.S. Constitution. In no sense is it a tirade against the South. Rather, it recognizes that the struggle for attainment of the great principle of equal justice is going on in all parts of the country in one way or another. In the great majority of its observations southerners and northerners on the Commission were in full agreement.

The Commission has, of course, uncovered many unpleasant facts about discrimination in voting, in housing, and in education. This was its special assignment. On the basis of these facts, local and State governments as well as Congress and the administration should be able to correct many injustices to minorities that are a reproach to our democratic system. But there is no muckraking in the report. The Commission sees the lights as well as the shadows in the panorama it has surveyed.

It notes, for example, that the Southern States have outlawed "the hooded violence of the Ku Klux Klan"; that the right of minorities to vote is established in many areas of the South as well as the North; that segregation has ended in interstate transportation throughout the country and in buses and streetcars in a number of Southern cities; that some Northern States are seeking to outlaw discrimination in housing. "The pace of progress during the 96 years since emancipation," says the report, "has been remarkable."

The Commission also sees that the many facets of the problem are closely related. The



extension of voting rights may have disappointing results because of apathy and ignorance unless that reform is accompanied by better education and the elimination of demoralizing slums. What the Commission is pleading for is a general elevation of sights to "new and challenging targets." In addition to equality under the law, it says in effect, the country needs a great creative effort that will absorb the minds and hearts of men so completely as to submerge petty prejudices and emotions rooted in the past.

Aside from this play of enlightened imagination upon a baffling national problem, the CRC has offered numerous specific recommendations in the fields of education and housing, as well as that of suffrage. Not all of these are likely to be acceptable, but they do emphasize the desirability of continuing study in this field by a group of experts chosen from many backgrounds and dedicated to the general objectives of tolerance and human dignity. The Commission notes, moreover, that it has not yet had an opportunity to study directly discrimination in employment, in the administration of justice and in public accommodations.

To cut the Commission off after it has made so promising a beginning and finds so much territory yet to be explored would be an inexcusable blow to the cause of civil rights and good human relations. Congress must not adjourn until provision has been made for the Commission's work to continue.

#### TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session,  
The **PRESIDING OFFICER** (Mr. BYRD of West Virginia in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

#### REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RUSSELL, from the Committee on Armed Services, with amendments:

S. 2655. A bill to authorize the Secretary of the Army to lease a portion of the Kingsbury Ordnance Plant at Kingsford Heights, Ind., to Union Township of La Porte County, Ind. (Rept. No. 1012).

#### ADDITIONAL BILL INTRODUCED

Mr. GRUENING, by unanimous consent, introduced a bill (S. 2705) to provide for the appointment of a district judge for the district of Alaska, which was read twice by its title, and referred to the Committee on the Judiciary.

#### MUTUAL SECURITY APPROPRIATION BILL, 1960—AMENDMENTS

Mr. COOPER submitted an amendment, intended to be proposed by him to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. KEFAUVER submitted an amendment, intended to be proposed by him to House bill 8385, supra, which was ordered to lie on the table and to be printed.

#### ADDITIONAL APPENDIX MATTERS

By Mr. JAVITS:

Article entitled "The Display in Conference Room B," dealing with pornography, written by Roy H. Millenson, and published in the September 1959 issue of the Jewish Veteran.

By Mr. HUMPHREY:

Editorial entitled "World Health Planning," published in the New York Times of May 12, 1959.

#### NOTICE OF HEARINGS ON THE NOMINATIONS OF HARRY A. BLACKMUN TO BE U.S. CIRCUIT JUDGE, EIGHTH CIRCUIT, AND M. OLIVER KOELSCH TO BE U.S. CIRCUIT JUDGE, NINTH CIRCUIT

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary I desire to give notice that public hearings have been scheduled on the nominations of Harry A. Blackmun, of Minnesota, to be U.S. circuit judge for the eighth district, vice John B. Sanborn, retired, and M. Oliver Koelsch, of Idaho, to be U.S. circuit judge for the ninth circuit, vice James Alger Fee, deceased, at 10:30 a.m., Monday, September 14, 1959, in the committee room, room 2228, New Senate Office Building.

At the indicated time and place all persons interested in the above nominations may make such representations as are pertinent. The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself as chairman.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. KEATING. Mr. President—  
The **PRESIDING OFFICER**. The Chair recognizes the junior Senator from New York.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. KEATING. I yield to the distinguished Senator from Oregon.

Mr. MORSE. How long does the Senator think his speech is in terms of time for delivery?

Mr. KEATING. I would not be able to say with precision. I should think

1 hour, if I am not interrupted. Of course, I shall yield for questions, if necessary, but I should think about that length of time. I wish to analyze some of the provisions of the report. I hope to complete my remarks within an hour.

Mr. MORSE. Mr. President, will the Senator yield for an observation, with the understanding that he will not lose his right to the floor?

Mr. KEATING. I am happy to yield.

Mr. MORSE. May I have the attention of our able majority leader, for whom I have such high respect?

It is now 8 minutes to midnight. I am sure that it is a very notable speech which the Senator from New York is about to deliver. Persuasive, I am sure, it will be, and that it will carry great weight in forming judgments in the Senate. I question the advisability of the Senator from New York starting his speech, particularly in view of the absence of so many Senators. I would not want to deprive them of the opportunity to hear the Senator from New York. I would not like to inconvenience them. I have an intuitive feeling that it may take a little time to get a quorum, and that would carry us over into the Sabbath. I prefer not to devote my Sabbath to Senate business, unless I am compelled to do so.

I wonder if the majority leader might consider reaching an understanding that we come in a little earlier on Monday morning than we have been coming in, and recessing now. Would that meet with the favor of the majority leader? Did the majority leader hear me?

Mr. JOHNSON of Texas. I heard the Senator's suggestion.

Mr. MORSE. I do not know whether the majority leader cares to reply or not.

Mr. JOHNSON of Texas. No; I do not; not at this time. I do not want to trespass on the time of the Senator from New York. He has very little time left before we adjourn, so I want him to go ahead.

Mr. KEATING. I am very happy to proceed.

Mr. MORSE. I shall be glad to listen to the introduction of the speech of the Senator from New York before I suggest the absence of a quorum.

Mr. KEATING. Mr. President, I support the motion of the distinguished Senator from Arizona. It seems to me that this is the only practical way, by a suspension of the rules, in which we can come to grips with this rather minuscule but important area of the civil rights problem.

It seems to me, despite the statement of the distinguished Senator from North Carolina, who obviously, and undoubtedly sincerely, entertains different views from mine on the issues in this area, that the report of the Civil Rights Commission is the best argument there is for extending the life of this agency.

This report, as I read it, represents one of the most dispassionate and factual surveys of some of the problems in this field ever to appear. It is a chronicle of considerable accomplishment. But what



is more important is the demonstration it makes of the stupendous task still before us if we are ever to achieve equal protection of the law for all Americans.

I have studied this report with great interest. It is full of fresh insights and new approaches. It reflects a deep understanding of the controversies which have arisen. It is not rash or intolerant of any point of view. It does not do injustice to any section of the Nation. It is a document which mirrors the character of the splendid men who comprise this Commission. It is calmly written. It is objective. But the facts it relates should shake the complacency of any American who thinks the job is done. They should stir the mind of any American who is interested in the civil rights of our citizens. They should disturb the soul of any American who is concerned about denials of justice and liberty to his fellow man.

Mr. President, it would be a shocking betrayal of our heritage of freedom if we were to allow this evaluation of the status of democracy in our beloved country to die aborning. Introspection is a great stimulus to national as well as personal progress. We cannot hide from the facts because they may be unpleasant. I am certain that any balance sheet of the defects and virtues of our Nation would show a heavy surplus of virtues. But the defects are there, and they will not disappear because some choose to ignore them.

These issues are too vital to the welfare of our country to be buried in a wasteland of passionate outbursts and meaningless threats. The members of the Commission were divided in their views of some of these issues. There were naturally some differences in outlook. But a reader would be hard pressed to find an intemperate word at any place in this report. These men show an outstanding appreciation of the importance of the problems before the Commission. Their dialogue sets an example for discussion of such problems which we in Congress would do well to emulate.

Even before the report of the Commission was officially released, it was assaulted by violent verbal blasts from some quarters. This reaction, although disappointing, was not unexpected since the work of the Commission has been subjected to obstruction by its opponents from its very inception. It is obvious that there are some people who do not want the facts with regard to civil rights to be studied and discussed. These people are determined to leave no stone unturned in their conspiracy to

prevent information on these vital issues from reaching the American people.

I can well understand differences of opinion with regard to the recommendations of the Commission. As I have indicated, the Commissioners themselves were divided on some of the issues. I cannot, however, condone the blanket condemnation and venom which have already been heaped upon its work by its die-hard opponents; nor can I sympathize with any effort to prevent Americans from exercising their sacred right to vote or from enjoying the same privileges under our laws, regardless of their race, creed, or national origin.

Mr. SCOTT. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. Byrd of West Virginia in the chair). Does the Senator from New York yield to the Senator from Pennsylvania?

Mr. KEATING. I yield for a question; or I shall be glad to yield generally, with the understanding that I shall not thereby lose my right to the floor.

Mr. SCOTT. I wish to associate myself generally with the thoughts being expressed by the distinguished junior Senator from New York; in other words, I believe this is the least that can be done at this session.

I would that the situation were such that it be permitted more to be done. The matter is of great concern—concern which I have shared through the years.

I wish to compliment the learned Senator from New York for the statement he is making; and I express the hope that this matter will be acted upon promptly at this session, and that it will prove to be the disposition of the Senate to extend the life of the Commission.

And since we can do no more—confronted, as we are, by the realities—at this session, I look forward to the session in 1960, to the enactment of an effective Civil Rights Act.

I thank the Senator from New York for yielding.

Mr. KEATING. I know of the deep concern of the Senator from Pennsylvania [Mr. Scott] in this field, and I know of his assiduous efforts in connection with it. I thank him for what he has said.

I wish to say that because of the parliamentary ruling by the Chair, if the rule is suspended, the motion of the Senator from Arizona will be open to amendment in any respect, but only by an amendment which is germane; and the decision was that the question of germaneness in regard to any amendment which might be offered would be subject to decision by majority vote of the Senate, without any prior ruling by the Chair, and without debate.

So I am hopeful that it will be possible to enact meaningful civil rights legislation at this session of Congress.

Mr. SCOTT. One certainly hopes so. Mr. JAVITS. Mr. President, at this point, will my colleague yield to me?

Mr. KEATING. I am happy to yield to my distinguished senior colleague.

Mr. JAVITS. I, too, am happy that my colleague has taken the floor to defend the report; and I shall do likewise in due course.

I wish to refer to the matter of such an amendment, as contrasted to a motion to suspend the rule. It would take but a majority vote to decide in regard to the germaneness of such an amendment, whereas it would take a two-thirds vote to suspend the rule. I think that is a very significant factor in connection with the capability of those who see the matter as we do to take the course in the Senate which we propose to take if the question arises on the matter of such an amendment, rather than on a motion to suspend the rule.

Mr. KEATING. I thank my colleague for his statement; and that is also my interpretation.

#### ADJOURNMENT UNTIL MONDAY AT 9 A.M.

Mr. JOHNSON of Texas. Mr. President, will the distinguished Senator from New York yield to me?

Mr. KEATING. I yield to the distinguished majority leader.

Mr. JOHNSON of Texas. Mr. President, pursuant to the order previously entered, I move that the Senate stand in adjournment until Monday, at 9 a.m.

The motion was agreed to; and (at 12 o'clock and 4 minutes a.m.) on Sunday, September 13, 1959, the Senate adjourned, under the order previously entered, until Monday, September 14, 1959, at 9 o'clock a.m.

#### NOMINATIONS

Executive nominations received by the Senate September 12 (legislative day of September 5, 1959):

##### ASSISTANT ATTORNEY GENERAL

Robert Kramer, of North Carolina, to be Assistant Attorney General to fill an existing vacancy.

##### U.S. JUDGE

M. Oliver Koelsch, of Idaho, to be U.S. circuit judge for the ninth circuit, vice James Alger Fee, deceased.

##### U.S. ATTORNEY

Joseph S. Bambacus, of Virginia, to be U.S. attorney for the eastern district of Virginia for the term of 4 years, vice Lester S. Parsons, resigned.











# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

## CONTENTS

Issued September 15, 1959  
For actions of September 14, 1959  
86th-1st, No. 163

|                                    |        |  |  |
|------------------------------------|--------|--|--|
| Air pollution.....                 | 3      |  |  |
| Appropriations.....                | 10     |  |  |
| Area redevelopment.....            | 7      |  |  |
| Buy American.....                  | 34     |  |  |
| Congressional action....           | 26     |  |  |
| Education.....                     | 28     |  |  |
| Egg prices.....                    | 11     |  |  |
| Electrification.....               | 31     |  |  |
| Executive privilege.....           | 17     |  |  |
| Farm labor.....                    | 16     |  |  |
| Farm loans.....                    | 14     |  |  |
| Farm program.....                  | 11, 30 |  |  |
| Fiscal policy.....                 | 5      |  |  |
| Fish.....                          | 21     |  |  |
| Foreign affairs.....               | 24     |  |  |
| Foreign aid.....                   | 10, 33 |  |  |
| Forestry.....                      | 15     |  |  |
| Health insurance.....              | 1      |  |  |
| Imports.....                       | 6      |  |  |
| Information.....                   | 17, 20 |  |  |
| Interest rates.....                | 23     |  |  |
| Labor-management<br>relations..... | 36     |  |  |
| Legislative program.....           | 9      |  |  |
| Life insurance.....                | 2      |  |  |
| Minerals.....                      | 19     |  |  |
| Mutual security.....               | 10     |  |  |
| Oleomargarine.....                 | 25     |  |  |
| Peanuts.....                       | 12     |  |  |
| Personnel.....                     | 1      |  |  |
| Plant research.....                | 18     |  |  |
| Power.....                         | 8      |  |  |
| Public works.....                  | 32     |  |  |
| Puerto Rico.....                   | 35     |  |  |
| Recreation.....                    | 15     |  |  |
| Regulatory agencies.....           | 27     |  |  |
| Research.....                      | 2, 28  |  |  |
| Retirement.....                    | 1      |  |  |
| Science.....                       | 2      |  |  |
| Taxation.....                      | 4      |  |  |
| Trade fairs.....                   | 20     |  |  |
| Transportation.....                | 22     |  |  |
| Water resources.....               | 13, 29 |  |  |

HIGHLIGHTS: Senate passed mutual security appropriation bill. House agreed to Senate amendments to employee health insurance bill. Sen. McCarthy criticized Secretary's farm policies.

## HOUSE

- PERSONNEL.** Concurred in the Senate amendments to S. 2162, to provide a health benefits program for Federal employees. This bill will now be sent to the President. pp. 17993-4  
Passed without amendment H. R. 8289, to accelerate the commencing date of civil service retirement annuities. (pp. 17994-5). The bill provides that each civil service retirement annuity shall commence on the first day following the employee's separation from the service if immediate benefits are payable or, in the case of deferred benefits payable upon attainment of a certain age, the first day after the employee attains the prescribed age. Survivor benefits will begin the day after the death of the employee or annuitant on whose service the survivor benefits are based.
- RESEARCH; SCIENCE.** Concurred in the Senate amendments to H. R. 6059, to provide additional civilian employees for the Defense Department for purposes of



scientific research and development, and to liberalize the Federal Employees Group Life Insurance Act. (pp. 17992-3) This bill will now be sent to President.

3. AIR POLLUTION. Both Houses received and agreed to the conference report on H. R. 7476, to extend for two additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control (H. Rept. 1187) (pp. 17866-7, 17995-6). This bill will now be sent to President.
4. TAXATION. Passed without amendment S. 2282, to prohibit acceptance by the Federal Government of compensation from any State for services rendered in connection with the withholding of income taxes from employees salaries. (p. 18003) This bill will now be sent to the President.
5. FISCAL POLICY. Rep. Mills criticized the administration's monetary and fiscal policies and inserted tables showing cash surpluses and/or deficits during the years 1946 through 1958. pp. 17991-2
6. IMPORTS. Rep. Gross discussed the matter of competition of low-priced foreign imports with American labor and industry<sup>and</sup> called for stopping "those foreign aid appropriations and other devices that provide the incentive for American industry to move to foreign countries." pp. 17997
7. AREA REDEVELOPMENT. Rep. Slack expressed regret that legislation to aid depressed areas has not been enacted this session and expressed the hope that it will be considered the first and most important order of business in January. pp. 17997-8
8. POWER. Rep. Thomson spoke in favor of the partnership proposal for the Trinity power facilities. pp. 18003-4
9. LEGISLATIVE PROGRAM. The remaining proceedings of the House and Senate for Sept. 14 will be continued in the next issue of the Congressional Record. pp. 18020

SENATE

10. MUTUAL SECURITY APPROPRIATION BILL FOR 1960. Passed, 64 to 25, with amendments this bill, H. R. 8385 (pp. 17857-66, 17868-96, 17909-13, 17914-40, 17962-77, 17981-3, 18024-38). House and Senate conferees were appointed. (pp. 18038, 18020). (See Digests 159 and 162 for Senate committee amendments and floor amendments to the bill.)

Sen. Cooper offered and later withdrew his amendment to establish an Inter-agency Committee on Underdeveloped Regions in the United States, including representation from this Department. He stated that he wanted to bring his proposal to the attention of the executive branch and that he planned to offer it in bill form next session (p. 18037). Virtually all of the debate except Sen. Cooper's remarks dealt with the amendment to extend the life of the Civil Rights Commission.

11. FARM PROGRAM; EGG PRICES. Sen. McCarthy stated that "as Mr. Benson has gotten more and more of what he sought, the condition of the farm economy has become worse," and that the 7th year of this Administration "will mark the lowest level of farm prices in 20 years." He stated that egg producers were now experiencing a "crisis," and that this Department has been "negligent" if an article contending that several New York traders pretty well set egg prices is accurate. pp. 17897-9



86TH CONGRESS  
1ST SESSION

# H. R. 8385

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1959

Ordered to be printed with the amendments of the Senate numbered

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## AN ACT

Making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any money  
4       in the Treasury not otherwise appropriated, for the fiscal  
5       year ending June 30, 1960, namely:

### TITLE I—MUTAL SECURITY

#### FUNDS APPROPRIATED TO THE PRESIDENT

8       For expenses necessary to enable the President to carry  
9       out the provisions of the Mutual Security Act of 1954, as



1 amended, to remain available until June 30, 1960, unless  
2 otherwise specified herein, as follows:

3 Military assistance: For assistance authorized by section  
4 103 (a) to carry out the purposes of chapter I (including  
5 administrative expenses as authorized by section 103 (b),  
6 which shall not exceed \$25,000,000 for the fiscal year  
7 1960, and purchase for replacement only of passenger motor  
8 vehicles for use abroad), ~~\$1,300,000,000~~(1): *Provided,*  
9 *That the unexpended balances of funds heretofore made avail-*  
10 *able under the heading "Military construction, foreign coun-*  
11 *tries", in chapter IX of the Supplemental Appropriation*  
12 *Act, 1953, shall be consolidated with this appropriation;*

13 Defense support: For assistance authorized by section  
14 131 (b), ~~(2)\$700,000,000~~ \$650,000,000, and in addition  
15 for defense support for Spain, authorized by section 131 (b),  
16 \$50,000,000, exclusive of technical cooperation;

17 Development Loan Fund: For advances to the Devel-  
18 opment Loan Fund as authorized by section 203, ~~(3)\$550,-~~  
19 ~~000,000~~ \$590,000,000, to remain available until expended;

20 Technical cooperation, general authorization: For assist-  
21 ance authorized by section 304, ~~(4)\$150,000,000~~ \$160,-  
22 000,000;

23 United Nations expanded program of technical assist-  
24 ance and related fund: For contributions authorized by sec-  
25 tion 306 (a), \$30,000,000;



1 Technical cooperation programs of the Organization of  
 2 American States: For contributions authorized by section  
 3 306 (b) , ~~(5)\$1,500,000~~ \$1,200,000;

4 Special assistance, general authorization: For assistance  
 5 authorized by section 400 (a) , ~~(6)\$200,000,000~~ \$245,-  
 6 000,000;

7 ~~(7)~~Special assistance, special authorization: For assistance  
 8 authorized by section 400 (c) in the planning for construction  
 9 of the American Research Hospital for Children in Poland  
 10 at the University of Krakow, the equivalent of \$50,000 in  
 11 local currencies;

12 Intergovernmental Committee for European Migration:  
 13 For contributions authorized by section 405 (a) , ~~(8)\$8,-~~  
 14 ~~000,000~~ \$7,371,000: Provided, That no funds appropriated  
 15 in this ~~(9)Act~~ title shall be used to assist directly in the  
 16 migration to any nation in the Western Hemisphere of any  
 17 person not having a security clearance based on reasonable  
 18 standards to insure against Communist infiltration in the  
 19 Western Hemisphere;

20 Program of United Nations High Commissioner for  
 21 Refugees: For contributions authorized by section 405 (c) ,  
 22 \$1,100,000;

23 Escapee program: For assistance authorized by section  
 24 405 (d) , ~~(10)\$5,200,000~~ \$4,632,000;



1 United Nations Children's Fund: For contributions au-  
2 thorized by section 406, \$12,000,000;

3 United Nations Relief and Works Agency: For contribu-  
4 tions and expenditures authorized by section 407, \$25,000,-  
5 000;

6 Ocean freight charges, United States voluntary relief  
7 agencies: For payments authorized by section 409 (c),  
8 ~~(11)\$2,300,000~~ \$1,910,000;

9 General administrative expenses: For expenses author-  
10 ized by section 411 (b) , ~~(12)\$37,000,000~~ \$38,000,000;

11 Atoms for peace: For assistance authorized by section  
12 419, ~~(13)\$1,500,000~~ \$2,500,000;

13 President's Special Authority and Contingency Fund:  
14 For assistance authorized by section 451 (b) , \$155,000,000.

15 Unobligated balances of funds heretofore made available  
16 under authority of the Mutual Security Act of 1954, as  
17 amended, and available as of June 30, 1959, are, except as  
18 otherwise provided, hereby continued available for the fiscal  
19 year 1960, for the same general purposes for which appro-  
20 priated.

21 Funds appropriated under each paragraph of this  
22 ~~(14)Act~~ title (other than appropriations under the head of  
23 military assistance) , including unobligated balances continued  
24 available, and amounts certified pursuant to section 1311 of  
25 the Supplement Appropriation Act, 1955, as having been



1 obligated against appropriations heretofore made for the same  
 2 general purpose as such paragraph, which amounts are  
 3 hereby continued available (except as may otherwise be  
 4 specified in this ~~(15) Act title~~) for the same period as the re-  
 5 spective appropriations in this ~~(16) Act title~~ for the same  
 6 general purpose, may be consolidated in one account for  
 7 each paragraph.

#### 8 DEPARTMENT OF STATE

9 Administrative ~~(17)~~ *and other* expenses: For expenses  
 10 of the Department of State as authorized by section 411 (c)  
 11 of the Mutual Security Act of 1954, as amended, ~~(18)~~ ~~\$7,-~~  
 12 ~~900,000~~ \$8,100,000.

#### 13 CORPORATION

14 The Development Loan Fund is hereby authorized to  
 15 make such expenditures within the limits of funds available  
 16 to it, and in accord with law, and to make such contracts and  
 17 commitments without regard to fiscal year limitations as  
 18 provided in section 104 of the Government Corporation Con-  
 19 trol Act, as amended, as may be necessary in carrying out  
 20 the programs set forth in the budget for the fiscal year  
 21 1960 for such corporation, except as hereinafter provided:

#### 22 LIMITATION ON ADMINISTRATIVE EXPENSES, DEVELOP- 23 MENT LOAN FUND

24 Not to exceed ~~(19)~~ ~~\$1,750,000~~ \$1,890,000 of the funds  
 25 of the Development Loan Fund shall be available during the



1 fiscal year 1960 for administrative expenses of the Fund cov-  
2 ering the categories set forth in the fiscal year 1960 budget  
3 estimates for such expenses.

4 GENERAL PROVISIONS

5 SEC. 102. No part of any appropriation contained in  
6 this ~~(20) Act~~ *title* shall be used for publicity or propaganda  
7 purposes within the United States not heretofore authorized  
8 by the Congress.

9 ~~(21) SEC. 103.~~ None of the funds herein appropriated for  
10 Defense Support, the Development Loan Fund, Special As-  
11 sistance or the President's Special Authority and Contin-  
12 gency Fund shall be used to finance nonmilitary programs  
13 or projects which have not met the standards and criteria  
14 used in determining the feasibility of flood control, reclama-  
15 tion and other water and related land resource programs and  
16 projects proposed for construction within the continental  
17 limits of the United States of America as per circular A-47  
18 of the Bureau of the Budget, dated December 31, 1952.

19 *SEC. 103. None of the funds herein appropriated for*  
20 *Defense Support, the Development Loan Fund, Special As-*  
21 *sistance, or the President's Special Authority and Contin-*  
22 *gency Fund shall be used to finance the construction of any*  
23 *new flood control, reclamation, or other water or related land*  
24 *resource project or program unless and until there is pre-*  
25 *pared on the basis of all available data a detailed evaluation*



1 *which provides reasonable assurance that the total benefits*  
2 *of such project or program will be at least equivalent to the*  
3 *total costs thereof.*

4 SEC. 104. Payments made from funds appropriated  
5 herein for engineering and architectural fees and services  
6 to any individual or group of engineering and architectural  
7 firms on any one project in excess of \$25,000 shall be re-  
8 ported to the Committee on Appropriations of the Senate  
9 and House of Representatives at least twice annually.

10 SEC. 105. Except for the appropriations entitled "Presi-  
11 dent's special authority and contingency fund" and "Devel-  
12 opment Loan Fund", not more than 20 per centum of any  
13 appropriation item made available by this ~~(22)~~Act title shall  
14 be obligated and/or reserved during the last month of  
15 availability.

16 SEC. 106. The appropriations and authority with respect  
17 thereto in this Act shall be available from July 1, 1959,  
18 for the purposes provided in such appropriations and au-  
19 thority. All obligations incurred during the period between  
20 June 30, 1959, and the date of enactment of this Act in  
21 anticipation of such appropriations and authority are hereby  
22 ratified and confirmed if in accordance with the terms hereof.

23 SEC. 107. None of the funds provided by this ~~(23)~~Act  
24 title nor any of the counterpart funds generated as a result of  
25 assistance under this ~~(24)~~Act title or any prior Act shall be



1 used to pay pensions, annuities, retirement pay or adjusted  
2 service compensation for any persons heretofore or hereafter  
3 serving in the armed forces of any recipient country.

4 ~~(25)SEC. 108. None of the funds herein appropriated shall~~  
5 ~~be used to carry out the provisions of Section 205(1) of~~  
6 ~~the Mutual Security Act of 1959.~~

7 ~~(26)SEC. 109. None of the funds herein appropriated shall~~  
8 ~~be used to carry out the provisions of Section 401(b) of~~  
9 ~~the Mutual Security Act of 1959.~~

10 ~~(27)SEC. 110. None of the funds herein appropriated shall~~  
11 ~~be used to carry out the provisions of Section 501 of the~~  
12 ~~Mutual Security Act of 1959.~~

13 ~~(28)SEC. 111. None of the funds herein appropriated shall~~  
14 ~~be used to carry out the provisions of Chapter VI of the~~  
15 ~~Mutual Security Act of 1959.~~

16 ~~(29)SEC. 112. None of the funds contained in this title~~  
17 ~~may be used to enter into a contract with any person,~~  
18 ~~organization, company, or concern or any of its affiliates,~~  
19 ~~who has offered or who offers to provide compensa-~~  
20 ~~tion to an employee of the International Cooperation~~  
21 ~~Administration or who provides compensation to any former~~  
22 ~~employee of the International Cooperation Administration~~  
23 ~~who has left employment with International Cooperation~~  
24 ~~Administration within two years from the date of employ-~~



1 ment with said person, organization, company, or concern  
2 or any of its affiliates.

3 (30)SEC. 113. None of the funds herein appropriated shall  
4 be used to carry out any provision of chapter II, III, or IV  
5 of the Mutual Security Act of 1954, as amended, during any  
6 period when more than twenty days have elapsed between  
7 the request for, and the furnishing of, any document, paper,  
8 communication, audit, review, finding, recommendation, re-  
9 port, or other material relating to the administration of such  
10 provision by the International Cooperation Administration,  
11 to the General Accounting Office or any Committee of the  
12 Congress, or any duly authorized Subcommittee thereof,  
13 charged with considering legislation or appropriation for or  
14 expenditures of the International Cooperation Administration  
15 and the Department of State.

16 (31)SEC. 108. (a) *Within sixty days following the date of*  
17 *enactment of this Act, the President shall transmit to the Com-*  
18 *mittee on Appropriations of the Senate and the Committee on*  
19 *Appropriations of the House of Representatives a report*  
20 *containing a full and complete revision of the data presented*  
21 *to such committees in justification of appropriations requested*  
22 *for the Mutual Security program for the fiscal year 1960,*  
23 *showing any changes in such program approved subsequent*



1 to such presentation, including changes necessary to reflect  
2 actual appropriations for the program.

3 (b) Within thirty days following the approval of any  
4 change in the Mutual Security program for the fiscal year  
5 1960, which will result in furnishing assistance of a kind,  
6 for a purpose, in an area, or in an amount, different from  
7 that described in the report transmitted under subsection (a),  
8 and which involves \$1,000,000 or more or 5 per centum of  
9 the amount appropriated under any paragraph of this title,  
10 whichever is the lesser, the President shall transmit to the  
11 Committee on Appropriations of the Senate and the Com-  
12 mittee on Appropriations of the House of Representatives a  
13 full and complete report of such change and the reasons  
14 therefor.

15 (c) This section shall not apply to programs authorized  
16 by section 451 of the Mutual Security Act of 1954, as  
17 amended.

18 (d) None of the funds herein appropriated shall be  
19 used to carry out any provision of chapter II, III, or IV  
20 of the Mutual Security Act of 1954, as amended, in any  
21 country, or with respect to any project or activity, after  
22 the expiration of the thirty-five-day period which begins on  
23 the date the General Accounting Office or any committee  
24 of the Congress, or any duly authorized subcommittee there-  
25 of, charged with considering legislation or appropriations



1 for, or expenditures of, the International Cooperation Ad-  
2 ministration, has delivered to the office of the Director of  
3 the International Cooperation Administration a written re-  
4 quest that it be furnished any document, paper, communi-  
5 cation, audit, review, finding, recommendation, report, or  
6 other material relating to the administration of such pro-  
7 vision by the International Cooperation Administration in  
8 such country or with respect to such project or activity,  
9 unless and until there has been furnished to the General  
10 Accounting Office, or to such committee or subcommittee,  
11 as the case may be, (1) the document, paper, communica-  
12 tion, audit, review, finding, recommendation, report, or  
13 other material so requested, or (2) a certification by the  
14 President that he considers the disclosure of such document,  
15 paper, communication, audit, review, finding, recommenda-  
16 tion, report, or other material to be contrary to the public  
17 interest and has forbidden its being furnished pursuant to  
18 such request.

19 (32) SEC. 109. The Congress hereby reiterates its opposition  
20 under present conditions to the seating in the United Na-  
21 tions of the Communist China regime as the representative of  
22 China, and it is hereby declared to be the continuing sense  
23 of the Congress that the Communist regime in China has not  
24 demonstrated its willingness to fulfill the obligations contained  
25 in the Charter of the United Nations and should not be recog-



1 nized to represent China in the United Nations. In the  
2 event of the seating of representatives of the Chinese Commu-  
3 nist regime in the Security Council or General Assembly  
4 of the United Nations, the President is requested to inform  
5 the Congress insofar as is compatible with the requirements of  
6 national security, of the implications of this action upon the  
7 foreign policy of the United States and our foreign relation-  
8 ships, including that created by membership in the United  
9 Nations, together with any recommendations which he may  
10 have with respect to the matter.

11 (33) SEC. 110. None of the funds herein appropriated for  
12 carrying out mutual assistance or economic development pro-  
13 grams shall be used to provide facilities for, or to increase,  
14 the production of any agricultural commodity or product for  
15 marketing outside the country of production in competition  
16 with any agricultural commodity, or any product thereof,  
17 which is in surplus supply in the United States.

18 (34) SEC. 111. It is the sense of Congress that any attempt  
19 by foreign nations to create distinctions because of their race  
20 or religion among American citizens in the granting of per-  
21 sonal or commercial access or any other rights otherwise  
22 available to United States citizens generally is repugnant to  
23 our principles; and in all negotiations between the United  
24 States and any foreign state arising as a result of funds



1 *appropriated under this Act, these principles shall be applied*  
2 *as the President may determine.*

3 TITLE II—DEPARTMENT OF THE ARMY—CIVIL  
4 FUNCTIONS

5 RYUKYU ISLANDS, ARMY

6 ADMINISTRATION

7 For expenses, not otherwise provided for, necessary to  
8 meet the responsibilities and obligations of the United States  
9 in connection with the government of the Ryukyu Islands,  
10 including, subject to such authorizations and limitations as  
11 may be prescribed by the Secretary of the Army, tuition,  
12 travel expenses, and fees incident to instruction in the United  
13 States or elsewhere of such persons as may be required to  
14 carry out the provisions of this appropriation; travel expenses  
15 and transportation; services as authorized by section 15 of  
16 the Act of August 2, 1946 (5 U.S.C. 55a), of individuals  
17 not to exceed ten in number; not to exceed \$3,000 for con-  
18 tingencies for the High Commissioner, to be expended in his  
19 discretion; translation rights, photographic work, educational  
20 exhibits, and dissemination of information, including preview  
21 and review expenses incident thereto; hire of passenger  
22 motor vehicles and aircraft; purchase of three passenger  
23 motor vehicles for replacement only; construction, repair,



1 and maintenance of buildings, utilities, facilities, and appurte-  
2 nances; and such supplies, commodities, and equipment as  
3 may be essential to carry out the purposes of this appropria-  
4 tion; \$5,282,000, of which not to exceed \$1,633,000 shall be  
5 available for administrative and information expenses: *Pro-*  
6 *vided*, That the general provisions of the Appropriation Act  
7 for the current fiscal year for the military functions of the De-  
8 partment of the Army shall apply to expenditures made from  
9 this appropriation: *Provided further*, That expenditures from  
10 this appropriation may be made outside continental United  
11 States when necessary to carry out its purposes, without re-  
12 gard to sections 355, 3648, and 3734, Revised Statutes, as  
13 amended, section 4774 (d) of title 10, United States Code,  
14 civil service or classification laws, or provisions of law pro-  
15 hibiting payment of any person not a citizen of the United  
16 States: *Provided further*, That expenditures may be made  
17 hereunder for the purposes of economic rehabilitation in the  
18 Ryukyu Islands in such manner as to be consistent with the  
19 general objectives of titles II and III of the Mutual Security  
20 Act of 1954, and in the manner authorized by sections 505  
21 (a) and 522 (e) thereof: *Provided further*, That funds ap-  
22 propriated hereunder may be used, insofar as practicable, and  
23 under such rules and regulations as may be prescribed by the  
24 Secretary of the Army to pay ocean transportation charges  
25 from United States ports, including Territorial ports, to ports



1 in the Ryukyus for the movement of supplies donated to, or  
2 purchased by, United States voluntary nonprofit relief agen-  
3 cies registered with and recommended by the Advisory Com-  
4 mittee on Voluntary Foreign Aid or of relief packages con-  
5 signed to individuals residing in such areas: *Provided fur-*  
6 *ther*, That under the rules and regulations to be prescribed,  
7 the Secretary of the Army shall fix and pay a uniform rate  
8 per pound for the ocean transportation of all relief packages  
9 of food or other general classification of commodities shipped  
10 to the Ryukyus regardless of methods of shipment and higher  
11 rates charged by particular agencies of transportation, but  
12 this proviso shall not apply to shipments made by individuals  
13 to individuals: *Provided further*, That the President may  
14 transfer to any other department or agency any function or  
15 functions provided for under this appropriation, and there  
16 shall be transferred to any such department or agency with-  
17 out reimbursement and without regard to the appropriation  
18 from which procured, such property as the Director of the  
19 Bureau of the Budget shall determine to relate primarily to  
20 any function or functions so transferred.

21 (35) CONSTRUCTION OF POWER SYSTEMS, RYUKYU  
22 ISLANDS

23 For loans by the Secretary of the Army to the Ryukyu  
24 Electric Power Corporation, an instrumentality of the  
25 United States Civil Administration of the Ryukyu Islands,



1 *for construction, installation, and equipment of electric power*  
2 *systems in the Ryukyu Islands, \$18,000,000, to remain*  
3 *available until expended: Provided, That repayment of such*  
4 *loans shall be made to miscellaneous receipts of the Treasury*  
5 *over a period of twenty-five years to commence five years*  
6 *after the date any such loan is made, with interest at such*  
7 *rate as may be fixed by the Secretary of the Treasury, taking*  
8 *into consideration the current average market yields of out-*  
9 *standing marketable obligations of the United States having*  
10 *a comparable maturity.*

11 TITLE III—EXPORT-IMPORT BANK OF  
12 WASHINGTON

13 The Export-Import Bank of Washington is hereby  
14 authorized to make such expenditures within the limits of  
15 funds and borrowing authority available to such corporation,  
16 and in accord with law, and to make such contracts and  
17 commitments without regard to fiscal year limitations as  
18 provided by section 104 of the Government Corporation  
19 Control Act, as amended, as may be necessary in carrying  
20 out the programs set forth in the budget for the fiscal year  
21 1960 for such corporation, except as hereinafter provided:

22 LIMITATION ON ADMINISTRATIVE EXPENSES, EXPORT-  
23 IMPORT BANK OF WASHINGTON

24 Not to exceed \$2,500,000 (to be computed on an  
25 accrual basis) of the funds of the Export-Import Bank of



1 Washington shall be available during the current fiscal year  
2 for administrative expenses of the Bank, including services  
3 as authorized by section 15 of the Act of August 2, 1946  
4 (5 U.S.C. 55a), at rates not to exceed \$75 per diem for  
5 individuals, and not to exceed \$9,000 for entertainment  
6 allowances for members of the Board of Directors when  
7 specifically authorized by the Chairman of the Board; and,  
8 in addition, not to exceed the equivalent of \$200,000 of  
9 the aggregate amount of foreign currencies made available  
10 to the Export-Import Bank for loans pursuant to the Agri-  
11 cultural Trade Development and Assistance Act of 1954, as  
12 amended, shall be available during the current fiscal year  
13 for expenses incurred by the Export-Import Bank incident  
14 to such loans: *Provided*, That fees or dues to international  
15 organizations of credit institutions engaged in financing  
16 foreign trade and necessary expenses (including special  
17 services performed on a contract or fee basis, but not  
18 including other personal services) in connection with the  
19 acquisition, operation, maintenance, improvement, or dis-  
20 position of any real or personal property belonging to the  
21 Bank or in which it has an interest, including expenses of  
22 collections of pledged collateral, or the investigation or  
23 appraisal of any property in respect to which an application  
24 for a loan has been made, shall be considered as nonadmin-  
25 istrative expenses for the purposes hereof.



1 (36)TITLE IV—ADDITIONAL SUPPLEMENTAL  
2 APPROPRIATIONS

3 (37)EXECUTIVE OFFICE OF THE PRESIDENT  
4 OFFICE OF CIVIL AND DEFENSE MOBILIZATION  
5 SALARIES AND EXPENSES

6 For an additional amount for "Salaries and expenses",  
7 to be allocated for expenses necessary to discharge such civil  
8 defense and defense mobilization functions performed by  
9 other Federal agencies, as may be designated by the Office  
10 of Civil and Defense Mobilization, including payments by  
11 Department of Labor to State employment security agencies  
12 for the full cost of administration of defense manpower  
13 mobilization activities, \$6,500,000.

14 (38)DEPARTMENT OF COMMERCE

15 (39)GENERAL ADMINISTRATION

16 PARTICIPATION IN CENTURY 21 EXPOSITION

17 For expenses necessary to carry out the provisions of  
18 the Act of September 2, 1958 (72 Stat. 1703), as amended,  
19 including not to exceed \$5,000 for official entertainment ex-  
20 penses, \$12,500,000, to remain available until expended:  
21 Provided, That this amount shall be available only upon  
22 enactment of S. 2065 or H.R. 8374, Eighty-sixth Congress,  
23 or similar legislation.



1                   **(40)BUREAU OF PUBLIC ROADS**

2                   **(41)FEDERAL-AID HIGHWAYS (TRUST FUND)**

3           *For an additional amount for "Federal-aid highways*  
 4 *(trust fund)", to remain available until expended, \$188,-*  
 5 *000,000, or so much thereof as may be available in and*  
 6 *derived from the "Highway trust fund", which sum is part*  
 7 *of the amount authorized to be appropriated for the fiscal*  
 8 *year 1959.*

9                   **(42)HIGHWAY TRUST FUND**

10          *For repayable advances to the "Highway trust fund"*  
 11 *during the current fiscal year, as authorized by section 209*  
 12 *(d) of the Highway Revenue Act of 1956 (70 Stat. 399),*  
 13 *\$359,000,000.*

14                   **(43)DISTRICT OF COLUMBIA**

15                   *(District of Columbia Funds)*

16                   **OPERATING EXPENSES**

17                   **METROPOLITAN POLICE**

18          *For an additional amount for "Metropolitan Police",*  
 19 *\$406,000, of which \$60,000 shall be payable from the High-*  
 20 *way fund and \$346,000, from the general fund.*



1   **(44)DEPARTMENT OF HEALTH, EDUCATION,**  
2                                   **AND WELFARE**

3                                   **(45)PUBLIC HEALTH SERVICE**

4                   **(46)GRANTS FOR WASTE TREATMENT WORKS**  
5                                   **CONSTRUCTION**

6           *The amount appropriated under this head in the "Sup-*  
7   *plemental Appropriation Act, 1960" shall remain available*  
8   *until five days after the approval of this Act.*

9           **(47)CONSTRUCTION OF INDIAN HEALTH FACILITIES**

10          *For an additional amount for "Construction of Indian*  
11   *health facilities", including the purposes of Public Law 86-*  
12   *121, approved July 31, 1959, \$200,000.*

13                               **(48)INDEPENDENT OFFICES**

14   **(49)ADVISORY COMMISSION ON INTERGOVERNMENTAL**  
15                                   **RELATIONS**

16          *For expenses necessary for the Advisory Commission on*  
17   *Intergovernmental Relations, \$100,000: Provided, That this*  
18   *appropriation shall be effective only upon the enactment into*  
19   *law of H.R. 6904.*

20                               **(50)COMMISSION ON CIVIL RIGHTS**

21                                   **SALARIES AND EXPENSES**

22          *For an additional amount for "Salaries and expenses",*  
23   *\$500,000: Provided, That section 104(b) of the Civil*  
24   *Rights Act of 1957 is amended by striking out the words*  
25   *"two years" and inserting in lieu thereof "four years".*



(51) COMMISSION ON INTERNATIONAL RULES OF JUDICIAL  
PROCEDURE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses",  
\$34,000.

(52) FEDERAL AVIATION AGENCY

(53) EXPENSES

For an additional amount for "Expenses", \$17,000,000,  
to be derived by transfer from the appropriation for "Estab-  
lishment of air navigation facilities", fiscal year 1960; and  
the limitation under the head "Expenses" in the Independent  
Offices Appropriation Act, 1960, on the amount available  
for expenses of travel is increased from "\$13,500,000" to  
"\$14,125,000".

(54) ESTABLISHMENT OF AIR NAVIGATION FACILITIES

Not to exceed \$4,000,000 of the appropriation made  
available under this head in the Independent Offices Ap-  
propriation Act, 1960, shall be available for expenses of  
travel.

(55) CONSTRUCTION AND DEVELOPMENT, ADDITIONAL

WASHINGTON AIRPORT

For an additional amount for "Construction and devel-  
opment, additional Washington Airport", \$2,450,000.



1       **(56)***HISTORICAL AND MEMORIAL COMMISSIONS*2       **(57)***FRANKLIN DELANO ROOSEVELT MEMORIAL*3                               *COMMISSION*

4       *For expenses necessary to carry out the provisions of*  
 5       *the Act of August 11, 1955 (69 Stat. 694), as amended,*  
 6       *\$150,000, to remain available until expended.*

7       **(58)***HUDSON-CHAMPLAIN CELEBRATION COMMISSION*

8       *For an additional amount for salaries and expenses in*  
 9       *connection with the work prescribed for the Hudson-Cham-*  
 10       *plain Celebration Commission in the sum of \$35,000 to be*  
 11       *disbursed in the same manner and for the same effect that*  
 12       *funds have heretofore been disbursed.*

13       **(59)***NATIONAL LABOR RELATIONS BOARD*14                               *SALARIES AND EXPENSES*

15       *For an additional amount for "Salaries and expenses",*  
 16       *including rental of office space in the District of Columbia,*  
 17       *\$500,000: Provided, That this paragraph shall be effec-*  
 18       *tive only upon the enactment into law of the Labor-Manage-*  
 19       *ment Reporting and Disclosure Act of 1959.*

20       **(60)***HOUSING AND HOME FINANCE AGENCY*21                               *OFFICE OF THE ADMINISTRATOR*22                               **(61)***SALARIES AND EXPENSES*

23       *For an additional amount for "Salaries and expenses",*  
 24       *\$290,000, of which \$220,000 shall be available only upon*  
 25       *the enactment into law of legislation continuing beyond*  
 26       *September 30, 1959, the program authorized by title VI*



1 of the Housing Act of 1954, as amended (68 Stat. 590,  
2 637).

3 (62) URBAN PLANNING GRANTS

4 For an additional amount for "Urban planning grants",  
5 \$1,000,000: Provided, That this paragraph shall be effective  
6 only upon the enactment into law of legislation amending  
7 section 701 of the Housing Act of 1954, as amended, so  
8 as to authorize appropriation of the foregoing amount.

9 (63) DEPARTMENT OF THE INTERIOR

10 BUREAU OF INDIAN AFFAIRS

11 DISTRIBUTION OF FUNDS OF THE CREEK INDIANS

12 For an additional amount for necessary expenses inci-  
13 dent to the distribution of funds belonging to members of  
14 the Creek Nation of Indians, in accordance with the Act  
15 of August 1, 1955 (69 Stat. 431), as amended, \$100,000,  
16 to remain available until expended: Provided, That this  
17 paragraph shall be effective only upon the enactment into law  
18 of S. 2339, or H.R. 8317, Eighty-sixth Congress, or similar  
19 legislation.

20 (64) DEPARTMENT OF LABOR

21 LABOR-MANAGEMENT REPORTING AND DISCLOSURE

22 ACTIVITIES

23 SALARIES AND EXPENSES

24 For expenses necessary for the performance of the  
25 functions vested in the Secretary by the Labor-Management

1 *Reporting and Disclosure Act of 1959, including services*  
2 *as authorized by section 15 of the Act of August 2, 1946*  
3 *(5 U.S.C. 55a), and rental of office space in the District*  
4 *of Columbia, \$2,000,000: Provided, That this paragraph*  
5 *shall be effective only upon the enactment into law of the*  
6 *Labor-Management Reporting and Disclosure Act of 1959.*

7                   (65)TREASURY DEPARTMENT

8                   (66)BUREAU OF THE MINT

9                   SALARIES AND EXPENSES

10           *For an additional amount for "Salaries and ex-*  
11 *penses", \$300,000.*

12                   (67)U.S. COAST GUARD

13                   OPERATING EXPENSES

14           *For an additional amount for "Operating expenses",*  
15 *\$800,000.*

16                   (68)TITLE V

17                   CLAIMS FOR DAMAGES AND JUDGMENTS

18           *For payment of claims for damages as settled and deter-*  
19 *mined by departments and agencies in accord with law and*  
20 *judgments rendered against the United States by United*  
21 *States district courts and the United States Court of Claims,*  
22 *as set forth in Senate Documents Numbered 48 and 56,*  
23 *Eighty-sixth Congress, \$708,137, together with such amounts*  
24 *as may be necessary to pay interest (as and when specified in*  
25 *such judgments or provided by law) and such additional*



1 *sums due to increases in rates of exchange as may be neces-*  
2 *sary to pay claims in foreign currency: Provided, That no*  
3 *judgment herein appropriated for shall be paid until it*  
4 *shall have become final and conclusive against the United*  
5 *States by failure of the parties to appeal or otherwise: Pro-*  
6 *vided further, That, unless otherwise specifically required*  
7 *by law or by the judgment, payment of interest wherever ap-*  
8 *propriated for herein shall not continue for more than thirty*  
9 *days after the date of approval of this Act.*

10       This Act may be cited as the “Mutual Security Appro-  
11 priation Act, 1960”.

Passed the House of Representatives July 29, 1959.

Attest:

RALPH R. ROBERTS,

*Clerk.*

Passed the Senate with amendments September 14,  
1959.

Attest:

FELTON M. JOHNSTON,

*Secretary.*

86TH CONGRESS  
1ST SESSION

H. R. 8385

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## AN ACT

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Making appropriations for Mutual Security  
and related agencies for the fiscal year end-  
ing June 30, 1960, and for other purposes.

---

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1959

Ordered to be printed with the amendments of the  
Senate numbered



TAKING H.R. 8385 FROM THE SPEAKER'S TABLE AND  
AGREEING TO THE CONFERENCE

---

SEPTEMBER 14, 1959.—Ordered to be printed

---

Mr. SMITH of Virginia, from the Committee on Rules, submitted the  
following

R E P O R T

[To accompany H. Res. 396]

The Committee on Rules, having had under consideration House Resolution 396, report the same to the House with the recommendation that the resolution do pass.







# H. RES. 396

[Report No. 1189]

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1959

Mr. SMITH of Virginia, from the Committee on Rules, reported the following resolution; which was reported without amendment; considered and agreed to

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## RESOLUTION

1     *Resolved*, That immediately upon the adoption of this  
2 resolution the bill (H.R. 8385) making appropriations for  
3 mutual security and related agencies for the fiscal year ending  
4 June 30, 1960, and for other purposes, with the Senate  
5 amendments thereto, be, and the same hereby is, taken  
6 from the Speaker's table, to the end that the Senate amend-  
7 ments be, and they are hereby, disagreed to and that the con-  
8 ference requested by the Senate on the disagreeing votes of  
9 the two Houses be, and the same is hereby, agreed to.

86TH CONGRESS  
1ST SESSION

# H. RES. 396

[Report No. 1189]

## RESOLUTION

Taking H.R. 8385 from the Speaker's table and agreeing to the conference.

By Mr. SMITH of Virginia

SEPTEMBER 14, 1959

Reported without amendment; considered and agreed to



that Russians were interested, above almost everything else, in the American ideal, the American dream.

What did it mean? They wanted to know. Any widely expressed interest in the basic tenet of democracy must be a hopeful sign.

There were other popular questions—how many unemployed, the average man's or woman's clothing, the average worker's earnings and what proportion of his salary paid for goods and services, the nationalities of musicians and dancers, what technical and special American magazines and books were available and whether Americans could read Russian publications.

Sometimes the Russians would argue with the answers, but not often.

The young people, as well as the old, are having a ball at the fair. They stand transfixed at the flashy, colorful fashion show under a fiberglass roof, they stare with wonder at the cutout model of a General Motors car, they gasp at the 360° movie Circarama, they mob the model house they were told no American worker could possibly buy. And when they get to the house, despite what they've been told, they want to know if the worker can buy it, how much it costs, what installment payments are.

And they don't disbelieve just because they've been told the answers aren't true.

When a heckler in Sverdlovsk complained about American press coverage of Russia, I told her to buy American newspapers and read them and she would find accounts of the friendly reception the Soviet people gave the Nixon party and how fully it had been reported.

She won't be able to get the papers, and she might not read them even if she did.

But there were hundreds of other Russians who did hear, who would read if they could.

The concept of one world that Mr. Nixon emphasized so much in Poland at the finish of his trip is beginning to break into eastern Europe and seep behind the Iron Curtain.

When the Vice President landed in Moscow July 23 he stressed the people-to-people approach. He urged Russians to ask him "any question you wish" and pledged "frank and honest discussion" on all levels. He quoted a Russian proverb, "Keeping accounts straight has never spoiled a friendship," and another: "Better to see once than hear a hundred times."

He adhered to this theme faithfully and was successful.

The Soviet leaders were not concerned over the straight talk Mr. Nixon gave them in private, but they did worry over the effect he had on the people.

For every wrinkle added to a Soviet leader's brow one must be smoothed out in the Western World.

## A BOLD PROPOSAL FOR CURBING THE DISSEMINATION OF OBSCENE MATERIAL

Mr. KEATING. Mr. President, in America, an aroused citizenry is often the best antidote to any evil which besets our Nation. I am confident that will be the story with respect to the challenge of pornographic material which is today flooding the homes of our land.

The manner in which individuals, private organizations, communities, church groups, and judicial and law enforcement officials have responded to the call to arms of the Postmaster General in curbing the purveyors of obscene material has been extremely gratifying. The awareness on the part of the public of the magnitude of this danger, and the need for prompt reporting to postal

authorities when material is received, will go a long way toward removing this smut from the American scene.

However, much more remains to be done. Congress needs to enact laws to permit further cracking down on those who would make a living from peddling this filth. In addition, it may be that there need to be reorganizations within the structure of the Federal Government if this great counteroffensive is to be fully effective.

In this connection, I recently received from a constituent of mine, Mr. Nathan Harrison, of Binghamton, a proposal for the establishment of an overall Federal agency to spearhead the attack on the barons of obscenity. Mr. Harrison has studied this whole problem extensively, particularly because of his work in the movie business. I have had considerable correspondence with him about his ideas, and have passed them along to various officials in the Government and to members of the Senate Post Office and Civil Service Committee. He has also testified before the House Post Office and Civil Service Committee.

I believe his proposal for consolidating all Federal antiobscene material efforts within one agency has much merit, and I hope it will be carefully considered by those who are concerned with this problem. Certainly, we must leave no stone unturned in seeking to eliminate this blight which threatens to disease the minds of so many of our young people.

Mr. President, I ask unanimous consent to have printed in the RECORD a white paper prepared by Mr. Harrison, in which he sets forth his idea for a Federal agency.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### PROSPECTS FOR FULL-SCALE ATTACK UPON PORNOGRAPHY, ITS PRODUCERS, DISTRIBUTORS, WHOLESALERS, AND RETAILERS

(Submitted by Nathan Harrison, Binghamton, N.Y.)

It is apparent that the fight against pornography and obscene materials to date, has had little success. This multi-billion-dollar industry is entrenched, due to the disorganized manner this menace has been fought by local, and to a slightly greater degree, by Federal agencies.

It is suggested, that in order to insure a more successful full-scale attack against this evil, we must first—either by State and Federal legislation, or otherwise (I am not a lawyer, hence cannot supply the methods) come upon an agreed definition of "pornography." Presently there prevails a "confusion of tongues at the Tower of Babel" as to what constitutes pornography.

Second, a Federal overall agency should be created to spearhead this attack. The directing officer of this agency should be directly responsible to the Senate or House Committee presently engaged in investigating this evil. Under his directorship, this agency should be comprised of members of the Postal Service, the Federal Bureau of Investigation, the Department of Commerce, and the Customs Service. A secondary or auxiliary agency should be composed of members of the State police, representatives of film and paper manufacturers, film processing equipment and officers of theatrical labor unions and printers' unions.

A prospectus furnished to all members of these agencies shall illustrate how the com-

bined efforts of all these groups, can, through their combined and concerted efforts ultimately wipe out the pornographic diseases.

### METHODS OF ATTACK

The Director-General shall initially meet with the above-named agencies to discuss the all-embracing aspects of pornographic and obscene materials and to recommend certain legislation which will tend to combat the evil. Included in such legislation should be proposals to compel manufacturers of film and paper, to code their products. Coded film and paper, will enable the Director-General to quickly establish the sources of the material and the suppliers of these materials to the producers of filth. Detection and spotting of the initial perpetrators of this nefarious enterprise will mean the battle is half won.

It is also suggested that the Director-General shall establish a central depot, where seized films, books, and other pornographic and obscene materials may be indexed, and classified. Records shall be kept of places of seizure, performers, make of film and/or paper, producers, printers, etc. This depot shall feed information to State police, the Postal Service, the Federal Bureau of Investigation, and local police agencies throughout the Nation.

It is further suggested that this overall agency initiate a press-clipping service in order that it may be immediately informed of news regarding obscenity which may not have been reported to the Agency by the local police, nor through its other normal channels.

It is further suggested, that the Agency keep under constant surveillance, mail-order distributors of borderline suggestive films, photos, books, and pamphlets, such as are advertised in countless popular men's magazines.

It is further suggested, that the Agency investigate all sales of Government surplus film, to determine whether such film had been purchased by producers of obscene films. Such producers will more readily use this film because of its low cost and easy availability.

It is suggested further, that the agency shall confer with publishers of off-color magazines with a view toward getting them to reject advertising of questionable products.

It is also suggested, that the agency shall cooperate with local law enforcement agencies throughout the Nation on interchange of information. Photos of performers, names and addresses of firms and of persons involved, may result not only in curtailment of this practice but a corresponding curtailment of allied traffic in white slavery, narcotics and allied vices.

It is further suggested (and here appropriate legislation will be required) that the Agency shall be authorized to impound and examine all master movie film produced by other than recognized moving picture, television and commercial producers. If the film is found to be obscene, it shall be retained by the Director of the Agency. (Foreign films apply in this case.)

### CONCLUSION

The Postal Service has done a competent job of prosecuting producers of filth. However, only a small fraction of the pornographic business is sent via the mails. The greatest portion is sent via automobile, truck, rail and express, and hand-to-hand by wholesalers, distributors, and agents. Local police agencies and local courts, will mete out small fines to dealers in filth. Some retailers, and producers may even be forced out of business for a short time. But there are others to take their place. It is the purpose of these suggestions, to emphasize that only through an all-out effort by an



overall agency can the source of supply to these producers be curtailed, and the evil reduced to a minimum.

#### TRIBUTE TO MRS. ALICE T. CURRAN

Mr. KEATING. Mr. President, one of the heartening improvements in our diplomatic machinery has been the increasing number of women assigned to positions of heavy responsibility.

We in New York State have a new cause for pride in this connection in the appointment of Mrs. Alice T. Curran as principal officer at the American Consulate at Manchester, England, where she will shortly take up her new duties.

Mrs. Curran, who comes from Cold Spring on the Hudson, New York, has served as special assistant to six Assistant Secretaries of State for Public Affairs. She came up from the ranks in the State Department, step by step, and has just completed 25 years of Government service, during which she has acted extensively and ably for the State Department on international conferences in the educational and cultural fields.

Recently, Mrs. Curran was drafted for a second term as president of the American Newspaper Women's Club.

Mr. President, I should like to extend public congratulations to Mrs. Curran on her new assignment, and to express the conviction that, on the basis of her proved ability and performance to date, this is but another step in her advancement to even higher responsibility.

#### MOTION TO TABLE MOTION ON VOTE BY WHICH MUTUAL SECURITY AMENDMENTS WERE AGREED TO

Mr. JOHNSON of Texas. Mr. President, I move that the Senate reconsider the vote by which the various amendments to the mutual security bill were agreed to.

Mr. HAYDEN. I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). The question is on agreeing to the motion to table. The motion to table was agreed to.

#### TRIBUTE TO THE MAJORITY LEADER

Mr. MANSFIELD. Mr. President, as we draw toward the end of the present session, we find that there is a great deal to be said pro and con about the Congress and the leadership which has been exhibited to date. Personally I believe that, so far as the Senate is concerned—and I know the same would apply to the House and its leadership—under the leadership of the distinguished Senator from Texas [Mr. JOHNSON] this Congress has made a good, responsible record.

I would point out that there has been a studied attempt on the part of the administration, radio, TV, and the press, to label this Congress as a spenders' Congress. I submit for the RECORD that be-

fore we are through with our labors in the first session of the 86th Congress, the reductions below the President's requests will amount to at least \$1,300,000,000 for the present fiscal year.

In my opinion the senior Senator from Texas, in spite of extreme difficulty, has been able to bring about a degree of responsibility of which Congress can be proud. I am happy to note that in the New York Journal American for September 12, 1959, there is a lead editorial entitled "A Good Leader." The editorial says, speaking of the senior Senator from Texas, the majority leader:

He could have tried to manufacture issues for the 1960 presidential election by fighting the President.

He could have concentrated on transacting the public business and submitting those issues that could not be reconciled to the voters for determination next year.

If he had chosen the first a running fight between the President and Congress could have paralyzed the Government.

Instead Senator JOHNSON has tried consistently—

And I might add responsibly—

to meet the President half way. The result may not satisfy extreme party partisans but we think it will satisfy the public.

Mr. President, I ask that this editorial, which constitutes a salute to the majority leader of the U.S. Senate, who has always put the public interest first, be inserted at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### A GOOD LEADER

As we look back over this closing session of Congress the remarkable fact is that it has accomplished so much in the face of predictions that it would waste its time and energy in a partisan dog fight with the administration.

One reason why the prophets of do-nothing were confounded is the vigor and firmness of President Eisenhower. He carried the fight for an effective labor reform bill to the people. He championed the cause of the taxpayers against inflationary measures.

Yet the President, with all his influence could not have done all this if the topheavy Democratic-controlled Congress has been in open rebellion against him. Then we really would have had legislative chaos.

There had to be a calm, astute, and reasoning influence within Congress—and those statesmanlike qualities were exemplified to the benefit of the country by Senator LYNDON JOHNSON, Democratic majority leader.

His insistence that it was of vital public interest to agree on a labor bill that would protect labor, management, and the public was a decisive factor in its enactment.

Basically the strong man from Texas faced two choices from the beginning of the session:

1. He could have tried to manufacture issues for the 1960 presidential election by fighting the President.

2. He could have concentrated on transacting the public business and submitting those issues that could not be reconciled to the voters for determination next year.

If he had chosen the first a running fight between the President and Congress could have paralyzed the Government.

Instead Senator JOHNSON has tried consistently to meet the President halfway. The result may not satisfy extreme party partisans but we think it will satisfy the public.

This is our salute to a leader who put public interest first.

Mr. JOHNSON of Texas. Mr. President, I thank my friend, the Senator from Montana.

#### THE FCC AND TELEVISION ALLOCATIONS: 5 YEARS OF DEAD-CENTER STALLING

Mr. MONRONEY. Mr. President, I have been critical in the past about the low quality of network television programs. It seems to me that nothing is being done to improve the situation. Perhaps the only way that this can properly be done in the American tradition and the American system of free enterprise is to provide for competition within the possible wavelength allocations which could be made.

I have been terribly disappointed that the Federal Communications Commission, which is charged with the duty of providing the maximum of television service within the available wavelengths, has been stalling for a period of many, many years. There are nearly a score or more of major markets which have virtually no competition among television stations. In other words, where a city has only one station, it should have a maximum of three. I believe the Federal Communications Commission should finally move, after their long period of delay, toward making possible the maximum use of the wavelengths of the spectrums which are available under new, modern engineering and electronic techniques.

I should like to outline the 5 years of deadcenter stalling which have occurred:

First. In the spring of 1954, during hearings before a Senate subcommittee, the basic error of intermixing VHF and UHF facilities was disclosed.

Second. A year and a half passed before the FCC was finally moved to acknowledge the existence of the problem. On November 10, 1955, in response to congressional demands for action, the FCC announced that it was initiating an overall reexamination of television allocations (docket No. 11532).

Third. Nearly 7 months later—on June 10, 1956—the Commission released a report and order concluding that no new VHF channels could be obtained for television from other services, that this fact precluded the adoption of an all-VHF system, that an all-UHF system had much to recommend it, but that a program of expedited research and development would first have to be initiated before the FCC could determine if an all-UHF system were feasible. This research was freely called a crash program by the then Chairman of the Commission.

Fourth. In response to the Commission's request for a crash program of research, the Television Allocations Study Organization was formed. TASO never got up enough speed to crash. It was nearly 3 years before it submitted a report of its findings. Meanwhile, the Commission took no action on this mat-



ter of urgent public interest—although television service was being artificially restricted by the manifest imperfections of the present allocations.

Fifth. In the spring of 1959 TASO submitted a report concluding that UHF had serious disadvantages which would make an all-UHF system inferior to an all-VHF system.

Sixth. Soon afterward, in April 1959, the FCC reported to Senator MAGNUSON that it was again investigating the possibility of obtaining additional VHF channels from the military, a plan which it had on many prior occasions considered and rejected as impractical. At the same time, recognizing that even if additional VHF channels could be obtained many years would pass before channels could be placed in use, it announced that it would consider mileage reductions, using directional antennas and precision offsets, as a means of allocating additional VHF channels in important scarcity markets.

Seventh. Five months have passed since the FCC advised Senator MAGNUSON it was looking for more VHF channels. Plainly it has found none. It is only realistic to predict that none is to be found. Assuming the improbable discovery of new VHF's for television, it would take years—perhaps as long as a decade—before they could be utilized. That much time would be required for existing users to phase out present equipment and for the television broadcasting system to be adapted to the new facilities.

Eighth. Meanwhile, as the fruitless search for more VHF space goes on, the FCC has done nothing to expand the present system. The FCC has just returned from a vacation lasting the entire month of August. There is scant hope that the end of the vacation will mark the beginning of activity. Several members of the Commission will be away from Washington, on assignments abroad, until next year.

Ninth. The following important markets are still without competitive facilities: Providence, Louisville, Grand Rapids-Kalamazoo, Charlotte, Syracuse, Rochester, Birmingham, Wheeling-Steubenville, Johnstown-Altoona, Dayton, Champaign-Urbana, Toledo, Jacksonsville, Raleigh-Durham, Shreveport, Knoxville, Binghamton, Fresno, Bakersfield, and others. In many of these markets allocation additions are possible without mileage reductions, for example: Syracuse, Rochester, Birmingham, Fresno, Bakersfield, and Shreveport.

Tenth. It has been more than 5 years since this problem of television scarcity was first recognized formally. How long must the American public wait before recognition leads to an effort toward solution of the problem of providing greater availability of more television programs, instead of trying to prevent the expansion of the television spectrum?

#### WHAT INDIA-CHINESE BORDER DISPUTE IS ABOUT

Mr. WILEY. Mr. President, on the eve of the visit of Premier Khrushchev to the United States, the world finds

Communist aggressive actions in Asia in discord with the "peace talk" of the Soviet Premier.

As in the past, the Communists—this time from Peiping—are blaming others for their aggression. For the India dispute, they attempt to blame, not only India, but also the British; for the critical condition in Laos, they are attempting to blame, among others, the United States.

Apparently, the Red Chinese was willing to offend—even worse—to attack India, which has long attempted to maintain friendly relations with, as well as increase the stature in the eyes of the world, of the Peiping government. The fact that they are willing to go to such great ends to stir up trouble outside China, indicates, I believe, that conditions requiring such drastic, belligerent moves are serious. They would not otherwise go so far in offending a country that has attempted to befriend them as well as possibly to alienate people throughout Asia and Africa.

Naturally, it is not possible for us to turn a microscope on the Communist mind to learn its rationalization.

The situation, however, leads one to speculate that conditions are so serious that scrapping with a nation of lesser stature, for example, might not have taken the minds of the Chinese people off the internal failures, or provided the militancy necessary to maintain Communist control.

The criticalness of the situation requires that the world remain alert.

In attempting to understand, and deal with, such crises, it is, of course, desirable to have the benefit of all the informed thinking possible.

Recently, the Milwaukee Journal published an editorial, reviewing the historical background of the India border disputes.

I ask unanimous consent that this article be printed at this point in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### WHAT CHINESE-INDIAN BORDER DISPUTE IS ABOUT—ITS HISTORY

The Chinese-Indian frontier dispute is like the remake of an old movie. The setting is the same. The plot is the same. Only the characters are new.

The scene is the south slope of the Himalayas. The plot is the struggle for control of the roof of Asia—the high land that looks down on China and India and offers a gateway to both.

Men have long vied for this wild, inhospitable area. Mongols, Manchus, and Hindus struggled over it. Chinese, Russians, and British schemed about it. The native Tibetans have suffered from the foreign aggressor almost as frequently as some of Europe's cockpit countries.

Today it is Communist China versus India, with Soviet Russia watching intently. Yesterday (in history's long view) it was Manchu China versus the British Empire, with czarist Russia doing the watching.

The Manchus appeared in the 17th century to claim Tibet as part of China. A century ago Britain, at the height of its empire, challenged. From India it demanded increasing rights in Tibet which the fading Manchus recognized in the 1890 Sikkim con-

vention. But the Tibetans did not, nor did the Russians. And in 1902 Russia and China made a deal to squeeze the British out of Tibet.

Britain responded by sending the Young-husband expedition into Tibet in 1904. The Dalai Lama (shades of recent history) fled to China. Tibet was forced to accept the Sikkim convention and open trade with London. Later China and Russia approved this agreement and Tibet was accepted as an autonomous buffer state.

In 1910 China renewed pressure on Tibet. The Dalai Lama this time fled to India. Then came the Chinese republican revolution, the Dalai Lama returned to Lhasa, the Tibetans rose, evicted all Chinese and proclaimed their independence.

Now, finally, we come to the MacMahon line, subject of the immediate controversy. In 1913, at Simla in India, British, Chinese, and Tibetans met. British and Tibetans agreed that there should be an independent outer Tibet and an inner Tibet under Chinese authority. The British negotiator, Sir Arthur Henry MacMahon, drew a line on a map and declared it the legal boundary between Tibet, China, and British India. The Chinese refused to accept the line, said it would cost them 40,000 square miles. They refused to ratify the Simla convention, and no Chinese government has done so to this day. Chinese maps show areas south of the MacMahon line (a vague, wandering, unmarked and indefinite boundary) as Chinese territory. Indian maps, of course, show it as India.

Different actors, same setting, same plot. Yet the stakes of this drama are big. It is a new China, Communist, ambitious, aggressive. It is a new India, independent, proud, striving for larger places in the sun. The high lands between them are remote and of little use and hardly worth fighting about. But this is an old quarrel, and nationalist sensitivities about frontiers are tender. Along with talk from both sides about possibilities of arbitration go defiance and threat. Even the Russians, for all their sympathies with the Chinese, are urging both sides to handle this hot potato cautiously.

#### CALL OF THE CALENDAR

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

The Senate will now proceed with the call of the calendar, under the order previously entered.

Mr. MORSE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the call of the calendar be postponed until later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.



The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. KEATING. Mr. President, I ask unanimous consent that my remarks regarding the extension of the Civil Rights Commission be printed in the permanent RECORD either in the previous day's RECORD or in today's RECORD in continuity, whichever is more convenient.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield if I may have unanimous consent that I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. I wish to make a personal comment to the Senator from New York. When the Senate adjourned early Sunday morning, the Senator from New York was speaking at the minority leader's seat, where we could all hear him easily. In my opinion, the Senator from New York is making an exceedingly important speech on the vital issue of civil rights. I wonder if the Senator would find it convenient to come to the well of the Senate and speak from there, where we can hear him better.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. KEATING. I yield, provided I do not lose the floor.

Mr. RUSSELL. I associate myself with the request of the Senator from Oregon. I have endeavored to follow the remarks of the Senator from New York. I may be getting a bit hard of hearing, but I simply have not been able to follow his statement. It would assist me in being able to analyze the Senator's remarks if he would come a little closer to the center of the Senate Chamber, where we might be able to hear him better.

Mr. KEATING. It is always a privilege for me to occupy the minority leader's seat. Under the extreme juniority which I am enjoying, I am situated so far back that it is difficult for me, at times, to hear other Senators speak. I am delighted to come to the minority leader's seat, for it brings me closer to the distinguished majority leader.

Mr. RUSSELL. That is one of the fair aspects of the Senate rule. The older one gets, the closer he comes to the center of the Senate.

Mr. KEATING. I thank the Senator from Georgia. I hope that I shall some day be able to attain some of that seniority.

Mr. WILEY. Mr. President will the Senator yield?

Mr. KEATING. Mr. President, may I have an understanding that whenever I yield, I do not lose the floor?

Mr. MORSE. Mr. President, reserving to right to object—and this is no reflection on the distinguished junior Senator from New York—I could give no such unanimous consent. We may develop a point as to which we may wish

to apply the rule that a Senator may yield for a question, and a question only. But I certainly join in the request that the Senator from New York may yield to the Senator from Wisconsin without losing the floor.

Mr. KEATING. I withdraw my request.

The PRESIDING OFFICER. Unanimous consent is granted to yield now only to the Senator from Wisconsin.

#### IMPROVEMENT OF ACOUSTICS IN SENATE CHAMBER

Mr. WILEY. Mr. President, I have not heard for a long time so many persuasive arguments for installing a better acoustical system in the Senate Chamber to enable us to hear better. I have said on a number of occasions that such a system was needed to enable not only Senators, but also the visitors in the galleries to hear better. When the distinguished majority leader speaks to the President Officer, we cannot hear him. I have to move up close to the majority leader. Senators sitting to the rear of the Chamber do not hear him.

When the Chair replies or rules, unless he is a Presiding Officer like the good-looking man in the Chair now, the distinguished junior Senator from Georgia [Mr. TALMADGE], we cannot hear his voice.

Mr. President, that situation calls for a remedy. I am serious about it. I believe the problem should be met head on during the coming adjournment of the Senate, so that when the transaction of business in the Senate begins at the next session, all Senators, and guests of the Senate who are in the galleries, will be able to hear what is being said.

What I am saying is no reflection on the distinguished, good-looking majority leader; it is a reflection on the Senate itself.

The Senate has not acted, up to the present time, to procure the instrumentalities which are necessary to make it an effective body. Because we are unable to hear what is taking place, we do not know what is going on. I have heard Senator after Senator complain that he does not know what is being said. This is a serious reflection upon the Senate. Of course, the next morning we can read the RECORD to learn what happened on the previous day, but that is after the event.

Mr. President, I thank the distinguished junior Senator from New York for the opportunity to state again what I believe is an important need which should be met.

Mr. KEATING. Mr. President, in my opinion, the Commission's recommendations for the most part are very moderate. Its first recommendation, for example, is that the Bureau of the Census be authorized and directed to undertake a nationwide compilation of registration and voting statistics. I thought we in this country had long passed the day when we would consider such statistic-gathering activities by the Bureau of the Census as un-American. The Commission also recommends that voting records shall be preserved and be made public

provided that all care is taken to preserve the secrecy of the ballot. This seems to me to be an eminently reasonable proposal. There also are recommendations with respect to appointment of temporary Federal registrars, for prosecution of persons who under color of law deprive individuals of an opportunity to register and vote, and for the enforcement of the Commission's present subpoena powers, which certainly deserve Congress' support. The only dissent from any of these recommendations is by Commissioner Battle, the former Governor of Virginia. The other Commissioners were unanimous in their support of these proposals.

The Commission's report deals with housing and education, as well as with voting rights; and, of course, there are some differences among the various Commissioners with respect to the specific proposals made in these fields, as well. This in no way serves to undermine the importance of the Commission's report; rather, it serves to emphasize the necessity for continuing the great work in which these men are engaged, so that further light can be shed on the many difficult issues which are faced in the field of civil rights. These men, all of them distinguished Americans, are engaged in a dialogue on a subject which goes to the core of our American way of life. Discussions and reports can pave the way for an era of ever-increasing freedom and liberty for all Americans. It has always been my creed that no American can feel secure in his freedom unless the freedom of all Americans is safeguarded. This appears also to be the dominant theme of the Commission's report.

One of the great tasks facing us today is the need to protect and preserve our form of Government—to reassert to our citizens and to the peoples of the free world that our Government is designed to uphold the dignity of the individual in a pattern of law. Our Constitution is the embodiment of this principle and we are entrusted with a solemn obligation to uphold and defend that Constitution.

The right of all citizens irrespective of color, race, religion, or national origin to govern themselves by means of selecting their own representation is one of the specific safeguards of the fundamental law. The need to protect and defend these principles has required continuous vigilance.

The majority of Congress spoke on the subject of civil rights when we enacted the Civil Rights Act of 1957 and a significant part of that legislation was the creation of the Commission on Civil Rights. With the establishment of this Commission, the Congress of the United States for the first time created an independent, bipartisan agency to study and think about the great problem of protecting the civil rights of all Americans. In selecting the members of the Commission, the President chose men from different parties, different regions, different religious groups, and different races.



This was not an easy task—for these six men had to be of exceptional stature; willing to accept a controversial and difficult assignment. Although most of us are familiar with these men, let me briefly say a word about them.

The Chairman is Dr. John A. Hannah, Republican, former Assistant Secretary of Defense and president of Michigan State University.

The Vice Chairman is the Honorable Robert G. Storey, of Dallas, Tex., a Democrat. Mr. Storey recently retired as dean of the Southern Methodist Law School and is a former president of the American Bar Association.

The late J. Ernest Wilkins, a Republican and Assistant Secretary of Labor, served as the only Negro member of the Commission until his death this past January.

The Reverend Theodore M. Hesburgh, C.S.C. president of the University of Notre Dame, is a political Independent.

The Honorable John S. Battle, former Governor of Virginia, and a Democrat, is also a member of the Commission, as is the Honorable Doyle E. Carlton, former Governor of Florida and also a Democrat.

The newest Commissioner is the Honorable George M. Johnson, a Republican who was chosen to succeed the late Mr. Wilkins. Dr. Johnson was until recently dean of the Law School of Howard University.

We can easily see the great care exercised by the President in choosing the men who constitute this Commission. There are two outstanding Republicans, three outstanding Democrats, all from the South, and one Independent. Four of them are lawyers of high standing, the other two presidents of great universities. Each of these men was confirmed by the Senate, with little opposition.

Although the act was passed in September 1957, it was not until March 4, 1958, that the appointment of the members of the Commission was confirmed by this body and May 14, 1958, that the staff director's appointment was confirmed.

Being a new Commission, the usual difficulties were encountered upon organization. However, within 30 days of the appointment of the staff director, the Commission and staff had managed to develop programs of research, study, and investigation. These unavoidable delays have meant that the Commission and the staff has functioned at maximum capacity for a little more than 1 year. Prodigious effort and work on the part of the Commission and staff were required to complete its interim report on voting, housing, and education on September 9, 1959.

Because of the delays in getting organized, there has been some difficulty in obtaining staff employees. However, the Commission has been very fortunate in obtaining the services of trained and experienced personnel and in several instances I have personal knowledge of the capabilities of these people.

The Chairman has indicated on several occasions that it has been a matter of great satisfaction to the members of the Commission that they have experienced an extremely small turnover

among the personnel and a very low rate of sick and annual leave.

The staff has been organized into four sections to obtain maximum efficiency, and they are:

First. The Commissioners and staff director, who assume an overall responsibility for the operation of the Commission.

Second. The secretariat and liaison office which assumes responsibility for keeping the records of the Commission meetings, arranging for public hearings, maintaining liaison between the Commission and the State advisory committees, and the like.

Third. The laws, plans, and research office, generally directing itself to the study of current laws, both on State and Federal level, pending legislation before both Houses of Congress and research as to various areas in reviewing problems of the equal protection of the laws.

Fourth. The complaints, information, and survey office does the remainder of the job required of the Commission. Specifically, it processes complaints, investigates them, and consolidates all information for eventual use and evaluation by the Commission.

The delay in confirmation of the members of the Commission and of the staff director and the consequent limitation of time, prompted the Commission to decide at the very outset to emphasize its activities in three main fields of alleged discrimination; namely, voting, which was specifically required by section 104(a)(1) of the act, housing, and education. It was thought that these three fields were the most significant areas involving problems of the equal protection of the laws and required the primary attention of the Commission.

One of the most important and effective jobs the Commission has done is the organization of State Advisory Committees in 48 of our 50 States. This task has been accomplished despite the many difficulties encountered along the way. Each committee was formed from leading citizens, who are not paid, and had to be persuaded to give of their own valuable free time. Each committee has been carefully balanced so that all views might be represented, much as the Commission itself has been balanced.

What have these committees contributed? They have served as grassroots organizations which have effectively kept the Commission in touch with local civil rights problems in the various States. They have served as forums within which problems can be aired, where lines of communication can be kept open, where heretofore ignored civil rights problems in all sections of the country can be brought to light, discussed, and solutions suggested. Some of these committees have held meetings, conferences, and conducted studies on problems peculiar to their own area, covering the field from voting to public accommodations, from racial discrimination to religious discrimination. They are pulse feelers for the Commission, and forums for recognition and discussion of their own local problems.

Many of the committees have sent in

reports which proved invaluable to the Commission in the writing of its own report and recommendations. Recently, this past June, the Commission sponsored a National Conference of State Advisory Committee delegates here in Washington. This was a 2-day work session wherein delegates were invited to give their views and discuss major problems and alternative solutions. Every State with the exception of Mississippi and South Carolina was represented. This meeting was addressed by President Eisenhower who recognized the great importance of the work being done.

What is the caliber of the people who are serving on these committees? One committee is headed by a former Secretary of Defense, another by a nationally known newspaper editor, another includes the president-elect of the American Bar Association. Membership also includes fine people from all walks of life—over 400 of them. It would be unthinkable to disband this pool of informed, dedicated Americans willing to give their time to these problems. They have already, in many instances, performed helpful services for their State and Nation. We cannot let them terminate their activities now without sacrificing all they have gained.

What has the Commission done relative to these three areas in which it has undertaken to gather facts? In the field of voting, hearings were held in December of 1958 and January of this year in Montgomery, Ala., where much valuable information was obtained. These hearings were conducted before the full Commission on the basis of sworn complaints submitted by various individuals to the effect that they had been deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin. At all times the Commission placed emphasis on objectivity and as they viewed it, objectivity presupposed getting all the facts. The Commission did not conduct these hearings as a protagonist and their aim in such hearings has been a dispassionate evaluation and appraisal of the facts so that some sort of reason and light could be brought to bear. Alabama was not selected as the location for the first voting hearing because of any predisposition on the part of the Commission to single out the State of Alabama for censure.

It was selected because the act required investigation and at that time the largest number of complaints came from Alabama.

Vice Chairman Robert G. Storey presided over those hearings by unanimous consent of the other members. This was a difficult assignment for Dean Storey because his own father was born, reared, and educated in Alabama and the hearings were to raise fundamental questions about the political processes of an area dear to him.

Each witness subpoenaed received a copy of the Commission's rule of procedure, which are patterned after the procedural rules of our own committees here in the Senate. The hearings were not conducted in an adversary fashion,



and they were fully covered by the press, radio, and television.

I commend the Commission for its fairness in carrying out its difficult burden, and I commend the President for his selection of men of the highest caliber to perform this task. These men have manifested keen insight into the problems involved. In the matters they have studied they represent the ideas and attitudes of the entire Nation. They were confronted in Alabama, however, by official intransigence and a conspiracy to scuttle its work. It may be useful to read into the RECORD the statement with regard to these tactics by Commissioner John S. Battle, former Governor of Virginia. He said in part:

The President of the United States was not in error when, in asking me to serve as a member of this Commission, he said he wanted someone with strong southern sentiments, which I have, and I accepted this assignment in the hope that I might be of some service to my country and to the Southland.

It is from this background, ladies and gentlemen, that I am constrained to say, in all friendliness, that I fear the officials of Alabama and of certain of its counties have made an error in doing that which appears to be an attempt to cover up their actions in relation to the exercise of the ballot by some people who may be entitled thereto.

The Commission has also held three hearings concerning housing. These were held in New York, Chicago, and Atlanta. The information gathered at these hearings lent important insight into this serious problem. The many ramifications of minority group housing and the need for evaluation in all areas of State, local, and Federal policies regarding availability of decent housing to all citizens is shown by the testimony produced at these sessions.

The conference on education, concerning desegregation problems sponsored by the Commission in Nashville, Tenn., last March was a "first" in this controversial area. It was a milestone of achievement. Very briefly, the Commission invited participants from all States which had undergone some desegregation. Observers were invited from those States who had not yet moved to comply with the Supreme Court decision to desegregate public schools. The participants were school superintendents from large cities, medium-sized communities, small towns, and rural counties. They brought before the Commission their many different problems encountered in desegregation, the different plans used. They openly discussed these things with the Commission and among themselves.

Opponents of this Commission have been heard to say that the Commission is a waste of time and money because the number of complaints received divided into their budget indicates an excessive cost per complaint. In all fairness let me remind those who so argue that, as is easily seen by my foregoing remarks, it is not just complaints that must be considered; it is also research by the staff, investigation, State advisory com-

mittees with more than 400 leading citizens giving of their free time, the Library of Congress contract, and on ad infinitum.

The Commission is not an enforcement agency. It is empowered only to investigate, to study, to appraise, and to make findings and recommendations. It is not empowered to be a Commission for the enforcement of civil rights. The Civil Rights Act of 1957 makes this abundantly clear. Its broad mandate is:

1. To investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin;

2. To study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

3. To appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

The Commission has met its responsibilities. Now it is up to Congress to meet ours.

I hope that everyone in the Senate has had an opportunity to read and reflect upon the Commission's report. It contains a wealth of illuminating information. It shows, for example, that in many Southern States less than 25 percent of the eligible nonwhite residents are registered to vote. In Mississippi only 3.89 percent of the 41 percent of the voting age population which is nonwhite, is registered. In 14 counties in Mississippi with a combined nonwhite population of voting age of 51,947, not a single Negro was registered.

Are these incredible figures the result of indifference on the part of Negro citizens in the South? Some of the facts recited in the report, the accuracy of which is unchallenged, help answer this question:

A Negro minister in Florida who suggested from the pulpit that Negroes should register and vote was subsequently denied a small bank loan despite the fact he had a highly solvent cosigner.

Negro citizens in Sunflower County, Miss., in which only 114 out of 18,949 voting age Negroes are registered, stated that when they tried to register they were turned away. A Negro public school principal in Charleston, Miss., which is in Tallahatchie County, Miss., in which not one of 9,235 voting age Negroes is registered, testified that he was discharged from his position as a principal after he attempted to register to vote.

One Negro in Forrest County, Miss., in which only 16 out of 7,406 voting age Negroes are registered, testified that he tried to register 16 times, twice a year, for 8 years. Every time the registrar simply told him he could not register.

There are many, many other similar illustrations of flagrant denials of the right to vote to Negro citizens in the South. Many of these Americans actually were fearful of recounting their experiences to Commission investigators because of fears for their physical and economic well being. One Negro man in Florida, told an investigator that he re-

fused to be interviewed, "because they would bomb my business out of existence if I ever talked with you." Can anyone dispute the deterrent effect of such fears on Americans who want to exercise their citizenship rights? These facts should make us all—and I know they make most of us—a little bit ashamed, because what they add up to is proof that a part of America is unable to participate in our democratic way of life.

Mr. President, extension of the life of the Civil Rights Commission is of vital importance. However, let us not forget for a moment that it is only one of many, many important measures on which this Congress should act if it is to properly deal with the problems of civil rights. I believe it is essential, for example, that we enact legislation to give the Attorney General the right to prosecute civil actions to redress denials of equal protection of the laws in any case in which the victim is unable because of financial inability or other reasons to effectively prosecute such a proceeding on his own behalf.

I have never been able to understand the deep hostility with which this measure is viewed by some Members of the Congress.

Under a host of Federal statutes the whole weight of the Federal Government, including the legal resources of the Department of Justice are made available to enforce Federal laws which certainly are no more significant to our national welfare than the provisions of the Constitution involved in equal protection cases.

The FCC, for example, will argue a case all the way up to the Supreme Court to defend the granting of a license to a broadcaster or a rate increase to the telephone company. The NLRB will exhaust every available remedy for the benefit of an employee whom it finds has been subjected to antiunion discrimination by his employer or coercion by his union. The ICC will defend shippers from unfair rate charges without any investigation of the ability of the shipper to prosecute his own claim. In all these cases, there is a public interest in the enforcement of the law which we have agreed, without too much controversy, makes it appropriate for the Federal Government to intervene. Is there any less public interest in enforcement of the law most important to our country, the Constitution?

But even an extension of the Civil Rights Commission and enactment of authority to grant the Attorney General the right to bring civil injunctive suits would not do the whole job.

Experience with the Kaspers and Faubuses in Little Rock and other cities shows a need for a Federal law to punish those interfering by force with court orders in school cases. The deplorable rash of bombings of schools, churches and synagogues, and homes in the past several years shows the need for a Federal antibombing law. The difficulties with which the Department of Justice and Civil Rights Commission have been faced in obtaining documentary material



needed to evaluate cases and policies in this field shows a need for Federal laws requiring the preservation of voting records and the granting of the right to inspect, reproduce, and copy such records under court process if necessary. The difficulties which local school boards have had in attempting to carry out, on a voluntary basis, desegregation plans shows a need for a Federal grant-in-aid program to help local communities carry out such programs. The impact on the children of servicemen in areas in which the schools have been closed in defiance of Federal law, shows the need for authority to provide extra educational facilities for these innocent victims of community desegregation controversies. And finally, there is no justification for not acting on the President's request to give his Commission on Nondiscrimination Under Government Contracts, full statutory authority.

These are the outlines of a program which would justify the name "civil rights." If these proposals sound far reaching, it is only because so much needs to be done. In light of the facts which are now before us, they are in reality very moderate steps for furthering the liberty and equal opportunity of all our citizens.

On the basis of statements which have been made by the majority leader, almost since the beginning of the session, when we were debating a change in the filibuster rule, I had hoped that we would be given an opportunity to consider a real civil rights bill before adjournment.

Mr. President, let us at least be able before adjournment to point with pride to one achievement in this field—a continuation of the work of the Civil Rights Commission. There will shortly be visiting in this country the representative of a totalitarian state in which democracy is nonexistent. What more appropriate reception could we give him than a demonstration of the dynamic vitality of our own democratic institutions? The Commission on Civil Rights can serve as a great instrument for the development of our civil liberties to new and unparalleled heights. I hope that before we leave here we will have seized this opportunity and not cast it aside.

Mr. President, while I am on my feet, I wish to address to the Presiding Officer two or three parliamentary inquiries.

The PRESIDING OFFICER. The Senator will state them.

Mr. KEATING. I have at the desk amendments to H.R. 4938, which is a bill to amend the Agricultural Adjustment Act of 1938 to extend for 2 years the definition of peanuts which is now in effect.

My first inquiry is this: If the amendments which I have offered to this bill should be withdrawn, could they be offered to any other bill at the desk?

The PRESIDING OFFICER. Is that an amendment which was ordered to lie on the table and be printed?

Mr. KEATING. The amendments were ordered to lie on the table and to be printed.

The PRESIDING OFFICER. Those amendments have no parliamentary status at all, and can be offered to any bill at any time.

Mr. KEATING. My next inquiry is, will the amendments lie on the table and be available to be offered to any bill at the next session of the Congress?

The PRESIDING OFFICER. The amendments will carry over to the next session; yes.

Mr. KEATING. I have read in the press certain statements about the intentions of the leadership at this session. I do not always believe everything I read in the papers, Mr. President, but I have also been informed that there is not an intention on the part of the leadership to press for any action in the field of civil rights at this session, except for the extension of the Civil Rights Commission.

I inquire of the leadership, if it is not presumptuous on my part, whether there is any intention to call up for action at this session any one of the three measures which are now on the Calendar which deal, either by amendment or otherwise, with the subject of civil rights?

Would the majority leader be willing to respond to my question?

Mr. JOHNSON of Texas. I do not know to what measures the Senator refers.

Mr. KEATING. One is a discharge petition.

Mr. JOHNSON of Texas. That is the resolution of the Senator from New York. I have no intention to make a motion that it be considered.

Mr. KEATING. There were, also, amendments to S. 1617 offered by the distinguished Senator from Missouri [Mr. HENNINGS] and amendments which I offered to H.R. 4938.

Mr. JOHNSON of Texas. I know of no one who thinks that it is possible to enact civil rights legislation at this session, other than extending the Civil Rights Commission. We are having enough difficulty doing that.

Mr. KEATING. I appreciate the very frank statement made by the majority leader. Would it be possible, to help those of us who feel deeply about this matter, to determine whether we should offer amendments dealing with the subject of civil rights to the amendment to extend the Civil Rights Commission, to have any assurance from the majority leader regarding further legislation in this field during the early part of the next session?

Mr. JOHNSON of Texas. Yes. I have said to the minority leader on a number of occasions, and to each Member of the Senate who has asked me about it, that I would anticipate that as soon as the Senators are available following the Lincoln Day birthday speeches there would be a motion made in connection with the civil rights subject, in connection with either a bill that may be passed by the House or some bill on the calendar or on the resolution of the Senator from New York [Mr. JAVITS].

I doubt the wisdom of making such a motion in the latter part of January, because of the Jackson-Jefferson Day celebrations and the dinners which will be held on the anniversary of the birthday of the late President Franklin D. Roosevelt. If lengthy discussions were started, which had to be interrupted for a week

or so during the Lincoln Day celebrations, I think we would have a problem. So I suggest that Senators try to agree to bring this general subject before the Senate following the Lincoln Day celebrations.

I understand that some Senators wish to make the motion in the latter part of January. I have no control over any motion to be made. I can only suggest what I consider the most appropriate date. However, I do have some responsibility in connection with the schedule of the Senate. I would anticipate rather lengthy discussion on any motion to be made in this field; and since there would be lengthy discussion, I think the best time to have it would be following the Lincoln Day celebrations, up until Easter, if necessary.

Mr. DIRKSEN. Mr. President, let me preface what I desire to say by indicating that, first, I sponsored the administration program on civil rights, and I was glad to join with the majority leader in the views he had expressed on that subject at one time.

I sat through the meetings of the Judiciary Committee, until it became quite obvious that we could secure no action. I recall when the proposal of the distinguished Senator from New York was filed not so long ago as a proposed amendment to a bill then on the calendar.

I recall when the distinguished Senator from Missouri [Mr. HENNINGS] first filed his report, which was the subcommittee report to the full committee, containing only two items—first, the extension of the life of the Commission on Civil Rights; and second, a provision with respect to the retention of documents, papers, and ballots involving Federal elections.

I was present at every session of the Judiciary Committee. I was present when that report was submitted and was under discussion. Finally, it became quite obvious that we could obtain no action during the present session.

In the light of all that, I was quite agreeable to the consideration of any reasonable proposal, in the hope that we probably could extend the life of the Commission during the present session, and then agree upon a date, or a bracket of dates, in the second session of the present Congress, in January or February, when a bill might be brought up on motion, or when we might reconsider the motion to discharge the Judiciary Committee from further consideration of the subject.

To all this I may add that, in connection with every proposal that has been submitted there was one item common to all, and that was the proposal to extend the life of the Commission. Under the act the Commission must file its report 60 days before its expiration. That report was filed. The life of the Commission would terminate on the 9th of November, as I recall.

So, in connection with the motion of the distinguished Senator from Arizona [Mr. HAYDEN] to suspend the rule, the only problem before us is, first, whether or not we intend to suspend the rule and extend the life of the Commission and



give it an additional half million dollars with which to carry on its work; and secondly, what must be regarded, of course, as informal and entirely discursive on my part, because it is a compound resulting from my conversation with the majority leader, the distinguished Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from New Jersey [Mr. CASE], and others, namely, the hope that we could contrive a day certain, or a bracket of dates certain, after the turn of the year, when the minority leader, on his own motion, might call up a bill to which civil-rights proposals could be offered as amendments. Of course, that can be done under the rules at any time. Inasmuch as we are not inhibited by a rule of germaneness, such an amendment could be offered to any bill.

The desire, therefore, was to arrive at some general understanding as to the date on which the proposed action would be taken. Speaking for myself, I had selected a bracket of dates, knowing the difficulty of setting a date certain, months in advance, to undertake to bring up a given proposal on motion.

I thought perhaps the week from the 18th to the 25th of January would permit some latitude and flexibility.

There has been a discussion of this subject by those who have been pioneering in the field and have been doing extensive work, including my distinguished friends the Senators from New York, and other distinguished Members on the minority side. After some discussion they gave me a memorandum a day or two ago indicating that they would like to have an understanding that such motion might be initiated by the minority leader on the 18th of January, which is a Monday.

In the course of the discussion I pointed out that we would run into a period at that time when some Members would be away. There will be observances of the anniversary of the birth of the late Franklin Delano Roosevelt. There will be the usual Jackson-Jefferson Day dinners about that time. I suggested a little later date, only to be confounded by my own lack of prescience, because when we reach the period in February beginning with the 7th and extending through the 12th and later, we pay homage and tribute to the great patron saint of the Republican Party, Abraham Lincoln.

In days gone by we contended ourselves with observances lasting 2 or 3 days. However, a tradition has developed in the country, particularly so because of the 150th anniversary of Lincoln's birth. So I apprehend that there will be dinners and celebrations, and there will be opportunities to advance good, solid Republican gospel and doctrine over the country for a period of nearly 10 days.

All these considerations I have advanced in discussions with those who have more than an ordinary interest in the subject. However, after a number of sessions they concluded that they would like to have an understanding that the minority leader bring up a bill on motion, and obtain cooperation to do so, on Monday, January 18.

Mr. JOHNSON of Texas. Mr. President, the first information I received in this connection was about 2 minutes ago. I was informed about certain arrangements which the Senators from New York sought to make with the minority leader.

I hope that the proposed arrangement will not be final until I have an opportunity to discuss the subject with the minority leader, because I was not aware of the arrangements being made with respect to the date to be set and the procedure to be employed.

I would not like to see the subject taken up for consideration until immediately after the Lincoln Day speeches. If there is some reason why the proponents wish to have the discussions interrupted by the Roosevelt birthday observance and the Jackson-Jefferson Day speeches, I should like to consider those reasons. However, on my own responsibility I suggest that we attempt to agree that a motion can be made and will be made during the period immediately following the return to the Senate of the minority leader after the Lincoln Day celebrations.

Mr. RUSSELL. Mr. President, I want to know if I am going to have an opportunity to speak on this subject.

Mr. KEATING. I will yield to the Senator from Georgia.

Mr. DIRKSEN. Mr. President, I have only one observation. What the majority leader says is quite correct. We have had some informal discussion. He has been extremely cooperative. He did suggest sometime around the middle of February or thereafter, and in those discussions he did point out the difficulties that might ensue and the absences that we might have from the Senate because Members would be abroad in the land pursuing their own particular political faith in addressing these dinners. I did suggest to those on my own side who had discussed the matter with me that while that was purely tentative, it seemed to be the more agreeable date. It is precisely there where we left it.

Mr. JOHNSON of Texas. I should like to make one final comment. I have discussed this matter with the Senator from Oregon [Mr. MORSE], the Senator from Minnesota [Mr. HUMPHREY], and other Senators. So far as I am concerned, I have reached no agreement with anyone as to the date when this motion is to be offered. I am willing to agree that at a specific time which seems to suit a majority of the Senate a motion can be made and will be made with my knowledge and with my understanding, and that motion can be debated until a majority of the Senate can determine what it wants done.

The question is whether it shall be done January 18 or February 15. That is a matter for all Senators to consider. I will do so during the day and shall be glad to give my opinion to the minority leader and any other Senators who may care to have it.

Any Senator may make a motion at any time he wishes to; the Senator from New York can make a motion to dis-

charge the committee today if he chooses to do so.

I hope we can all agree on a period which will suit the convenience of a majority of the Members of the Senate. I should not think that would be a time when the Democrats are out speaking at Jefferson-Jackson Day dinners or when the Republicans are out speaking at Lincoln Day dinners. There will not be a heavy schedule of appropriation bills in the Senate at that time, before Easter, because we must wait for the House to send those bills to us.

I think the best time for all of us to consider would be about the 15th of February.

Mr. RUSSELL and Mr. MORSE addressed the Chair.

Mr. KEATING. I promised first to yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, we have heard a great deal in the last few minutes about agreements, understandings, and cooperation. I wish to make it perfectly clear that the Senator from Georgia and Senators from the much-maligned Southern States are not a party to any agreement or any understanding of any kind dealing with this matter. It would be futile to expect our cooperation in bringing up any of these so-called civil rights bills which have been under discussion.

Of course, any Senator can make a motion at any time that he can get the floor to proceed to the consideration of any one of these measures. I have heard a good deal of discussion about the Jefferson-Jackson Day dinners. Jefferson and Jackson are the patron saints of the Democratic Party. I have often spoken on such occasions, endeavoring to pay them tribute. The distinguished minority leader has mentioned the Lincoln Day observances. I have never made a political speech at a Lincoln Day observance, but I yield to no Senator in my admiration—indeed in my reverence—for the great Abraham Lincoln.

However, there is one thing in this country which is more important than paying homage to these great Americans, and that is preserving the Constitution of the United States. Whatever time is fixed, whether it is after the Jefferson-Jackson observances or after the Lincoln Day observances—or at any other time—the Senator from Georgia and those associated with him will be here undertaking to protect the Constitution of the United States from these proposed violations by statute, Executive orders, or Court decisions.

We have heard a great deal about equality and equal rights. It seems that all of these equal rights are supposed to be on only one side of the street. A great many people, in making their calculations and their plans, seem to think that the States of the South are still to be treated as if they were conquered provinces—and not entitled to have equal rights.

Let us take, for example, this alleged report that has just been handed down by the Civil Rights Commission. In it,



the Commission states that its report is dedicated to equal rights. The Commission speaks about the labors that they have followed in bringing this report to Congress and how it is proposed to invoke its recommendations.

Mr. President, because some members of the Commission say that there are a few Southern States that will not mix the white and colored children in their schools and colleges, which by tradition and under the Constitution for a hundred years have been operated on the basis of the separation of the races, they want Congress to practice educational genocide and withdraw from all the States of the South any participation in the rights of American citizenship.

Talk about guilt by association. This goes much beyond that—this is guilt by residence in a State. In the name of equal rights, children who are American citizens are to be denied any rights whatever because they live in a State that does not immediately adopt the policies of Myrdal and his disciples.

That is the Stalin idea. He said to the Russian kulaks: "If you do not come in and follow the collective farm plan immediately, we will proceed to liquidate you."

Because the South is standing on the policies and principles that have been hallowed by a hundred years of sanction by the Supreme Court and the Congress of the United States and by the laws and the constitutions of the several States, they say: "You either conform and grant what we say are equal rights, or we will practice this kind of vengeance upon you and withdraw any participation whatever on your part in the taxes which you have paid into the Federal Treasury."

I wish that we could get some clear idea of the kind of bill that is proposed to be brought up. All kinds of bills have been proposed. There is a plethora of them. The Senator from Missouri [Mr. HENNINGS] has one. Both Senators from New York have their bills. Other Senators have their bills. The administration has sent up a bill. These bills have been under consideration in the Judiciary Committee.

The Commission, whose life some Senators are so anxious to extend, has now canvassed the entire field and done all it could possibly do, except perhaps for political agitation. This Commission discarded nine-tenths of all the bills that had been proposed and came up with a whole new rash of suggestions of their own about what ought to be done.

Apparently there are many who want to get in on the crusade against the South. But everybody has a different idea about how the crusade should be conducted. I suppose it is planned to have a good, old-fashioned logrolling whenever the time may come—whether it is after the Jefferson-Jackson Day or after the Lincoln Day speeches—and tie the whole thing together in one package.

Mr. President, the American people have unfortunately become the victims of slogans. We live by slogans. We

live so rapidly that we cannot study and analyze all that is behind these slogans. There is not a more popular slogan anywhere—North, South, East, or West—than that of civil rights. But more crimes have been committed legislatively in the name of civil rights than any other one slogan of which I have any knowledge.

Mr. President, we from the Southern States have not been consulted with respect to this supposed agreement. I had been informed that there was likely to be one. But our agreement has not been sought. I wish to make it perfectly clear for the RECORD that if our agreement had been sought, it would not have been granted.

I can only say on behalf of some of us who still believe that the States have some rights in our system of government, that the Constitution of the United States is not altogether outmoded. It is not like a noisy accordion that can be pulled open or shut at the whim or fancy of some Members of Congress. It cannot be squeezed or contracted as they see fit. We can only say on our behalf that some of us intend to be here at whatever time it is proposed to stage this political Roman holiday.

We will fight with every weapon at our command to defend the rights of our States, the lives and happiness of our people, and the Constitution of the United States.

Mr. DIRKSEN. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. DIRKSEN. Mr. President, I should like to make one or two additional points. The first is that the act to create the Commission was signed in September 1957. It was almost 6 months before the nomination of the staff director was confirmed, as I recall. I think his nomination was confirmed in March 1958. The 2-year period, therefore, was very considerably shortened.

I shall not discuss the report which has been filed by the Commission. I simply know, first, that the Commission is a bipartisan Commission; and second, that it numbers among its members some very distinguished citizens: the president of the University of Notre Dame; the president of Michigan State College; the dean of the law school of Southern Methodist University; the former dean of the Law School at Howard University; Hon. John Battle, former Governor of Virginia; and Hon. Doyle E. Carlton, former Governor of Florida. I think, in the main, it was a pretty good selection.

The Commission has filed a long report. It covers the fields of education, housing, voting rights, and a great many other things. There have been dissents; there have been reservations to some of the recommendations which have been filed. But all of that is not before us at present.

I think, in view of the fact that Congress placed a 3-year limit on the life of the Commission, and that then there was a delay, first, in the confirmation of the nominations of the members of the Commission; and, second, in the confirmation of the nomination of the staff

director, probably their active functioning period was 15 or 16 months. So the only question now before the Senate is the extension of the life of the Commission and providing the necessary funds. In so doing, we do not mean for one moment to seek any understanding which would be violative of the Senate rules. Obviously, any Senator could stand in his place and impeach any such understanding we might have, because whatever is done, must be done in accordance with Senate rules. That we know.

But I do believe that there is considerable incessant interest in this matter. We shall have to come to grips with it at some time or other. I agree that some of the bills which have been introduced go infinitely further than I would prefer to go. On the other hand, some of them are so highly skeletonized that they do not go far enough. So in order to avoid protracted controversy with respect to the motion to suspend the rules involving only one thing, namely, the life of the Commission and the necessary funds to implement its work, I had hoped that by an understanding with the majority leader we could dampen down any effort to try to amend the proposal which is before us, draw out the session, and have a running struggle on the whole field of civil rights, which involves many substantive questions.

This is, after all, not a substitute proposal; it is simply a proposal to authorize the extension of the life of the Commission which the President appointed. There was some delay in the confirmation of the nominations of the members of the Commission and of the staff director. I believe they should have ample opportunity, before the life of the Commission expires, to make a thorough investigation in this field. Then, of course, the Commission should stand to one side under the law, because I rather apprehend that there would be no effort to continue it beyond the 2-year period which is now provided for.

I think that was a very proper matter for the majority leader and me to discuss informally, in the hope that those who had intended to offer other amendments and, perhaps, to carry on an extended filibuster—I should not use that term; an extended discussion, which may sound a little euphemistic, but which I think is much better—which would even delay the proceeding further, would not do so at a time when Senators are anxious to have the Senate adjourn. All this was done in good grace, in the hope that we could have an understanding on the one point of extending the life of the Commission, getting the necessary two-thirds vote to suspend the rules, and then to set aside a day in January or February when it would be agreeable to call this matter up. At that time the whole Senate could work its will, under Senate rules, on all the proposals which have been before us or, more properly speaking, before the Senate Committee on the Judiciary.

I think the distinguished Senator from Mississippi [Mr. EASTLAND] was very kind in the matter. He was most



gracious. The committee held long hearings, often starting in the morning and running all day, as has been the custom of the chairman. He did not shut off anyone. He tried to expedite the action of the committee while, at the same time, giving everyone his day in court. I simply have not had the opportunity until now to salute him. While we disagree almost violently on this subject, we do so with perfect understanding and in the best of grace, because I esteem the Senator from Mississippi not only as a friend, but as a great chairman, whose committee has the greatest work volume of any committee of the Senate, and as one who gets the business of the committee done.

Mr. EASTLAND. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. EASTLAND. I thank the distinguished Senator from Illinois for his very kind statement, but I think the RECORD should show that the Senator from Mississippi cooperated with everyone who was willing to have a full, thorough discussion of the bill. Since the reports of the Commission have been filed, I think they are a matter for a full and deliberate discussion and consideration in the committee. I do not think any bill should be brought up after the Lincoln Day recess next year because the committee will want to consider such bills thoroughly.

Mr. DIRKSEN. The chairman of the committee has been most cooperative.

I want to add this statement; then I will bow out of the discussion. I think I made clear to the distinguished Senator from Georgia [Mr. RUSSELL] what this is all about. I am trying to help to expedite the exodus of this great deliberative body, if I can. I was persuaded, of course, that there would be action on a civil rights bill which contained many substantive issues; but the proposal in the bill before us is a "must," otherwise the Commission will die. Perhaps I may disagree with some of the Commission's recommendations. I had at least a chance to go over the excerpts, but it is a rather formidable report.

Mr. RUSSELL. It contains 680 pages.

Mr. DIRKSEN. It will take a long time to study it. So the proposal in the bill is a minimum one to keep the Commission alive and to provide funds; and in the doing, I thought we could contrive, in an informal understanding, after the first of the year to address ourselves to this matter.

I have become a compassionate instrument. I am only too glad to initiate the action, whatever it may be, and whatever course shall be followed, simply because I feel there are occasions when I must perform the task for this administration.

Mr. RUSSELL. The Senator from Illinois, in the first part of his discussion, after he had made a brief statement, inferred that I was making some attack upon the personnel of the Civil Rights Commission.

Mr. DIRKSEN. Oh, no.

Mr. RUSSELL. By and large, I consider it to be one of the ablest commissions which has been designated around

Washington in my time. I said, when the bill was under consideration, that we could not expect members of a commission who must carry on their jobs of running great universities or handling large law offices and practices to devote all of their time to this kind of work.

I said that in the last analysis, it is the staff—perhaps insidiously—and without the Commission being aware of it, that would write the report.

I made that statement when the bill was pending—in an effort to have the staff strengthened. The worst fears that I expressed then have now been justified by the report. When we talk about extending the life of the Commission, it should be remembered that the staff has cunningly worked into the report suggestions that they take over quasi-judicial duties and a great many other administrative functions which would make the Commission a permanent agency of the Federal Government. Of course, that is only natural. In connection with matters of employment and otherwise, continued existence is the first law of nature. So it is to be expected that staff members will try to continue the Commission in order that their jobs will be continued.

When Dr. Hannah was before a committee on the other side of the Capitol this spring, he was asked whether the Commission could complete the report contemplated by Congress by the September 9 deadline. This was his reply:

Well, I suppose if we had more time, it could be more comprehensive. But since we knew from the time when we began our work that this deadline was in the act itself, we have planned our work and our hearings and our programming upon the assumption that the Commission was going out of business, out of existence, in September. And we will have a pretty good report, a much better report than we thought possible when we started to work effectively last May.

Of course, he was followed on the witness stand by the staff director, Mr. Tiffany, who stated that it would be impossible for the Commission to get through.

If Congress extends the life of this Commission, 2 years from now the Commission members or its staff will still be testifying that there are other areas of study that it will be necessary for them to examine before they will have completed their labors. In fact, they never will conclude their labors if the decision is left up to the staff.

Before it grows too large or becomes too well entrenched, I think it best to get rid of the Commission; that is particularly true in view of some of the findings in the report.

The Good Book says, "Vengeance is mine, I will repay, saith the Lord."

I do not believe that the members of the Commission clearly understood the import of the proposal by some of the members to punish and to visit vengeance upon the innocent young people of the Southern States because their fathers refused to kneel down and surrender to the attempt of the Supreme Court to change the law of the land and to amend the Constitution by its 1954 decision.

I do not believe the Commission would have approved a proposal of that sort—

which the Commission did not have time to study—or the remainder of the mess of pottage which was cooked up by its staff.

It is only natural that fanatics and special pleaders will gravitate into a staff of that kind. In looking over the list of the Commission's \$50-a-day consultants, I found included among them the man who wrote the infamous Truman civil-rights report of 1948, from which some parts and ideas contained in this report were drawn.

So, Mr. President, in view of the fact that there are all kinds of congressional committees which can consider these matters, and in view of the existence of the courts and our written Constitution to protect any valid rights of all the citizens of this land, there is no need to waste money and to stir up the country by permitting further reports such as the one recently made in an attempt to punish the innocent young people of a vast section of the country because their fathers have not jumped immediately to dispense with the only way of life they have ever known.

Mr. President, let me say it is a way of life that has proven beneficial to both races. When some of our colored citizens in the South have moved to other areas they have demonstrated that our way of life does have a valid purpose and intent. Under it, many Negro citizens, in the enjoyment of their constitutional rights, have accumulated more than \$1 million, established large banking institutions, and built up big businesses. Where else are they found to be making such progress under any other system? In the South many thousands of them own their own homes and their own farms, operate their own businesses, and follow their chosen professions, in the enjoyment of all their constitutional rights.

But some persons are not satisfied. Some political "do-gooders" continue to agitate this question and continue to undertake to crucify the people of the South in their attempt to reform our social order. Their system, based on race mixing, has failed wherever it has been tried.

This Commission should be terminated now. There is no valid reason to continue it.

Mr. MORSE. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER (Mr. McGEE in the chair). Does the Senator from New York yield to the Senator from Oregon?

Mr. KEATING. I shall be glad to yield in just a moment.

First, I wish to say that I appreciate the remarks which have been made by the distinguished majority leader and the distinguished minority leader.

It is very important to those of us who have amendments ready to offer to the pending amendment, to have some definite assurance—if the other matters are going over to the next session of Congress—in regard to precisely when and how we shall come to grips with this problem.

I have the impression that many of the provisions of the amendments which I have at the desk and which other Mem-



bers have at the desk would be held by a majority of the Members of the Senate to be germane to the pending amendment. The Chair already has ruled that that decision will be made by the Senate, by a majority vote.

Of course, it is important to have thorough debate on this matter, as in connection with any other matter. Certainly there is no disposition on the part of the junior Senator from New York in any way to have the Senate take any arbitrary or precipitate action; but I have a very strong determination to see to it that, if not now, then at a fixed time early in the next session we definitely shall come to grips with this problem.

Mr. JOHNSON of Texas. Mr. President—

Mr. KEATING. Mr. President, since the distinguished majority leader wishes to say a word at this time, I yield now to him; and then I shall yield to the Senator from Oregon.

Mr. JOHNSON of Texas. Mr. President, the first I heard that this date apparently had been agreed upon by the Senator from New York and the Senator from Illinois was when the Senator from Illinois came to the floor a few moments ago.

When we return in January, the majority leader plans to bring up by motion proposed legislation that is on the calendar or that may come from the House or that may be reported by committees. Any other Senator will be perfectly within his rights at any time to offer an amendment or to call up any motion.

I think all of us would be criticized by every group and bloc and all other Members of the Senate if we did that without ample preparation and without knowledge and notice to all the Members. I believe the best way to give that notice is on the floor of the Senate.

That is why I recommend—since this subject is going to be considered, and since motions are going to be made, and since some Senators are determined that such bills will be considered—that we try to agree on a date which would be convenient to most Senators, not only to Senators who are sponsoring such legislation or Senators who oppose such legislation, but to all Senators.

My recommendation for the date would be immediately following the return of the minority from the Lincoln Day dinners. I am willing to have any other Senator express his views and make any motion he may desire to make; but I believe that is the best time, and I believe it would suit better the convenience of the Members.

I do not wish to express the opinion that all other Members will support such a motion at that time. I know some of them will resist it, and resist it strongly.

But so far as the majority leader is concerned, he will be in his place, bringing up bills, by way of making motions; and he expects that on the civil rights subject various proposals will be made in the form of amendments or in the form of a bill reported by the committee, or in the form of a bill passed by the House. What form such proposals will

finally take, I do not know now. But I am willing to agree that on the return from the Lincoln Day dinners, a bill will be brought up by motion, or that amendments which are at the desk may be offered, if no such bill has been reported or if the Senator from New York does not at that time desire to call up, by motion, his proposal.

Several Senators addressed the Chair.

Mr. KEATING. Mr. President, I promised to yield next to the Senator from Oregon; and at this time I yield to him.

Mr. MORSE. Mr. President, the Senator from Texas has just now covered some of the points I was going to cover in the remarks I had planned to make. I will only say this: I know of no understanding that has been entered into, formally or informally, on the part of anyone in regard to what shall be done with civil rights legislation in the next session of Congress. I know of no proposal that the majority leader has made to any of my associates or my friends here in the Senate who have discussed informally this matter with me. He has never made any proposal to me for any understanding.

Mr. JOHNSON of Texas. If the Senator will yield, I have made no such proposal to anyone.

Mr. MORSE. Only because my name became involved in this discussion a few minutes ago, I want this RECORD perfectly clear the senior Senator from Oregon has had no proposal for an understanding submitted to him for any date or dates for a discussion of the civil rights legislation in the next session of Congress. If any such proposal had been made to him, he would have rejected it.

I take the position that we should cover this matter in the ordinary procedure of the Senate, without any such agreement. I happen to be of the opinion that we should cover it now. I happen to be of the opinion that now, the present time, is the time to consider civil rights legislation. We have the issue before the Senate; anyway.

I do not know of anything so important that we should not stay and consider it. The children and grandchildren are already back in school. We have not any vacation time left, for a good many of us, that we could particularly enjoy now, anyway. I do not know of any foreign trip any Senator really has to make that is more important than staying here and transacting the people's business.

As I said this morning, I am also a realist about this matter. I have a pretty good idea what is going to happen. Senators can vote in accordance with their convictions of what the program should be. I shall vote against adjournment, because I think now is the time to have civil rights legislation. I am against any understanding or agreement, formal or informal, as to when we shall take it up in the next session of Congress.

I think we have come to exaggerate out of all proportion the necessity for Senators being away for Jackson, Jefferson, or Lincoln birthday celebrations. I

think those celebrations would be just as good if we stayed here. I think the best way we could honor those great patriots of our history would be to stay right here and do the work of the Congress of the United States. Usually those events occur on a weekend, any way. With modern transportation, jet airplanes for example, the Senator from California can speak in San Francisco on Saturday night and be back here Monday morning. I can speak in Portland, we can speak anywhere we want in the country, on Saturday, and be back here on Monday. I am not at all moved by the talk that there is going to be a lot of absenteeism on Lincoln's birthday, Jefferson's birthday, and all the rest. Here is the place to do our business.

I only want to say, we are going to be confronted in the next session of Congress, if we do not do the job now, of a move to discharge the Judiciary Committee from consideration of civil rights legislation. We will take that up in the course of time and events. But we have the civil rights issue before the Senate now. We have a quorum. If we stay on that issue, we will keep a quorum. Nobody will go out of Washington when we have a civil rights issue before us.

So I will say to the Senator from New York I shall do my best to have that issue discussed. I shall abide by the majority. As I said earlier this morning, I have no intention of engaging in a filibuster on this matter. I think it would be quite improper. I will protest. I will offer my amendments. If the Senate adjourns, I will leave at the desk, for consideration next January, a list of civil rights amendments I intend to offer today, hoping that at the earliest possible moment at the next session of Congress we will take action on them.

What else can one do? Let us stop kidding ourselves or the public about this situation. I think what is going to happen is that the Senate is going to vote on the suspension of the rule motion of the Senator from Arizona [Mr. HAYDEN]. We shall see what that result will be. If the suspension of the rule is sustained, the life of the Civil Rights Commission will be extended. We are going to get rid of a few bills on the calendar. Then those that think we should stay in session are going to get snowed under. We shall come back in January. Then let us proceed next January, in keeping with the rules of the Senate, to bring up civil rights legislation if and when we can get it before the Senate. Let us do our work today, tomorrow, next day, if we are still in session, and act on the Hayden motion.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. KEATING. I just want to say I agree with the Senator from Oregon in this respect: This is the time to act on civil rights. I am also practical. I feel if we are not going to act now, it is highly important that we have assurance that on a fixed date in the next session the proposed legislation will be brought up and the matter will be discussed, debated, and acted upon.



I yield to the minority leader [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. President, the majority leader has a difficult job, to say the least, and he has done it superbly, in my judgment. I take my hat off to him.

Practically speaking, when we start off in September he has to think what has to be done that can be done conveniently, and to expedite it, and accede to the desires of the Members of the Senate to go home if they can. That means looking at the list, the bond interest bill, housing, and everything else; and there is civil rights. When one talks about agreements and understandings, it does not mean a formal agreement; but actually the majority leader has to speak for the majority in setting negotiations afoot, and I think the minority leader has to do the same thing for his side. So when we had this informal discussion to see whether or not we could, within the limitations of time, get all these matters disposed of, the suggestion was made, "Could we extend the life of the Commission and let it go at that, and then take up these other matters after the turn of the year?" That matter was informally discussed; and there was no agreement. I want to say to the Senator from Georgia [Mr. RUSSELL] he is eminently correct, and we should not for a moment let the RECORD stand in such fashion as to convey the idea that he or his associates or anybody else were parties to any part of an understanding or agreement.

Mr. RUSSELL. Mr. President, let me thank the distinguished minority leader for joining me in seeing that the RECORD is corrected.

Mr. DIRKSEN. Quite so, but, mainly, here was the discussion. These things have to be done by the leadership. I felt free to go before my policy committee when I had 29 out of 34 members at lunch and say, "Now, this looks like the lineup." We came to civil rights. My distinguished friend from New York raised some inquiry. He said if we could get a date he would be agreeable. There one gets the nucleus of an idea that one hopes he can spin into something practical. That now expresses itself in terms of the discussion we have had this morning—whether or not we can pin down a date or a date within a bracket when this matter can come up at the turn of the year—that is, that there will be no cumbersome motions to suspend, that there will be merely this move to extend the life of the Commission, which will thereby shorten the discussion and make it possible for this august body to ultimately terminate its labors.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. KEATING. Mr. President, I will yield to the distinguished Senator from New Mexico, who I understand desires to present a conference report, with the understanding that I shall not lose my right to the floor.

# EXTENSION OF AUTHORITY OF SURGEON GENERAL WITH RESPECT TO AIR POLLUTION CONTROL—CONFERENCE REPORT

Mr. CHAVEZ. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

Mr. RANDOLPH. Mr. President—

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am grateful for the courtesy of the gracious Senator from New Mexico, the chairman of the Committee on Public Works, in providing me the privilege of making a few observations and directing some questions in reference to the report.

Mr. President, the report includes section 8, which was adopted by the Senate on April 29, 1959.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. Mr. President, has the conference report been made the pending business?

The PRESIDING OFFICER. The conference report is not yet under consideration.

Mr. KUCHEL. Mr. President, is there any objection?

Mr. RANDOLPH. I have no objection.

Mr. KUCHEL. Mr. President, may the Senate proceed to consider the report?

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The Senator from West Virginia may continue.

Mr. RANDOLPH. Mr. President, I have in my hand the report of April 15 from the Committee on Public Works in reference to the matter of the extension of the Federal air pollution control law. I invite the attention of our esteemed colleague [Mr. CHAVEZ], the chairman of the committee, to the language in the report:

The provision of the bill relating to the prevention and control of air pollution arising from any installation or other property under the jurisdiction of any Federal department or agency would confirm what is

now established Federal executive policy, as outlined in Executive Order 10779. We believe that the inclusion of this provision would strengthen that policy and make clear the intent of Congress on this subject.

I presume the reference is to section 8.

Mr. CHAVEZ. To section 8.

Mr. RANDOLPH. My reason for requesting this opportunity to discuss the problem with our chairman is that we who represent West Virginia in the Senate serve the people of the largest bituminous coal producing State in the Nation, and we hope for a clarification of the intent of the conferees.

I am bringing to the Senator's attention our desire for a clarification of the language, because I am hopeful there will be no indication, in regard to any Federal installation, of an inclination in the operation of the Federal building or facility to discriminate in any way against the use of bituminous coal for heating purposes.

Mr. CHAVEZ. I am very happy that the able Senator from West Virginia is so alert in regard to the use of our natural resources. Particularly, the Senator has keen observation of their use and preservation in the State of West Virginia, and great understanding of what it means to the economy of that fine State.

I will say to the Senator from West Virginia, since he is talking about bituminous coal, that the Senator from New Mexico represents a State which has possibly the largest deposits of bituminous coal in the entire West. We also have anthracite coal, which is the hard coal.

All that is intended by the section cited is to cover any nuisance which may be brought about to make the air unpleasant. We provided that something would be done, not by preventing the use of bituminous coal, but in the manner taken with respect to what was done in St. Louis some years ago.

Mr. RANDOLPH. And in Pittsburgh.

Mr. CHAVEZ. There was no intention whatsoever to deprive any State of its right to produce coal, and no intention to prevent the industries in the States or the States themselves from using bituminous coal produced in West Virginia, Pennsylvania, in New Mexico, in Colorado, and in a number of other States.

Mr. CLARK. And Pennsylvania.

Mr. CHAVEZ. I mentioned Pennsylvania.

Mr. RANDOLPH. And in Kentucky, Illinois, and other States.

Mr. CHAVEZ. Yes.

The language of the proposed legislation is the result of the history of the use of bituminous coal. There is not a reference to the fact that coal is consumed, but there is a provision to take care of a nuisance. It would be possible to do what was done in Pittsburgh and also in St. Louis.

Another part of the proposed legislation is to make sure that if the Federal agencies in any way create a nuisance, by polluting the air, then they them-



selves will be held responsible. That is why we say:

It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area.

That was done with the idea of placing responsibility upon the Federal agencies. We do not want to make the private industries comply with the law and then have a Federal agency violate the law.

Mr. RANDOLPH. Mr. President, the assurance given by the Senator from New Mexico is not only comforting but, I am sure, is factual, and indicates a very sincere desire to treat this subject matter fairly.

Mr. CHAVEZ. That is correct.

Mr. RANDOLPH. The Senator always conducts himself in that manner with regard to all such matters.

Mr. CHAVEZ. I thank the Senator.

Mr. RANDOLPH. The always diligent senior Senator from Pennsylvania [Mr. CLARK], who now stands beside me, knows that in Pennsylvania, as well as in West Virginia, we must be careful and alert to make sure that language is not incorporated which might be interpreted as excluding use of bituminous coal rather than correcting pollution. I am sure that in this respect I speak not only for myself but also for my esteemed colleague from West Virginia [Mr. BYRD] and the Senator from Pennsylvania [Mr. CLARK].

Mr. CHAVEZ. There is no such intention whatever.

Mr. RANDOLPH. We know that on Capitol Hill, in the past, in connection with the construction of office buildings, there has been some indication of a desire to eliminate the possible use of coal as a fuel.

Mr. CHAVEZ. That is correct.

Mr. RANDOLPH. We know there are improved methods of stoking, as well as modern mechanical and electrostatic dust collector and precipitator installations, which frankly bring coal not only into competition with other fuels from the standpoint of long range overall cost but, also, to the point where the use of bituminous coal has no worse effect in regard to air pollution than the use of oil. That is very important. Coal, in most major use areas, has met the antipollution requirements adequately and admirably. Perhaps other fuels might need to be placed to the same test if air pollution control is to be thorough and uniform. Proper control equipment can be up to 99 percent effective in curbing pollution from any fuel.

Mr. CHAVEZ. I am in complete agreement with what the Senator from West Virginia has said.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. CLARK. I should like to associate myself with the comments made by my good friend from West Virginia. I hope that there is a great future ahead for heating with bituminous coal, which is produced not only in my State and his State, but elsewhere throughout the country.

Mr. CHAVEZ. Efforts are being made every day in the week, in every line of endeavor, to learn how to do the job better; and I am sure that that is true in the case of bituminous coal.

Mr. KUCHEL. Mr. President, about to be adopted is one of the most important pieces of domestic legislation confronting the present Congress. It is a continuation of the air pollution research legislation originally enacted in 1955, a piece of legislation of which, incidentally, I was very happy to be the author.

I congratulate the senior Senator from New Mexico for bringing back a wise and effective conference report. With great regret I observed that the House of Representatives chopped in two what we had done. The House of Representatives said, "We will continue this proposed 5-year program for another 2 years." It bordered on the ridiculous to assume that in the next 2 years we could make satisfactory progress in air pollution control.

The able senior Senator from New Mexico was able to negotiate a 4-year extension, and I congratulate him for it. With respect to the language upon which the Senator from West Virginia [Mr. RANDOLPH] had some questions, it has been indicated that we want Federal buildings or Federal installations to be operated on the basis that what should be done will be done, in cooperation with air pollution control agencies created under local government. Is that correct?

Mr. CHAVEZ. The Senator is correct.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. RANDOLPH. I share the view expressed by the energetic Senator from California. The questions raised, and which I indicated were important to those of us representing the bituminous coal-producing States, have been answered. There is no desire to thwart the valuable efforts of the Senate and House conferees. I merely wished reassurance, as it were, and that has been given in the affirmative.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. CLARK. I should like to associate myself with the remarks of my good friend from California. In his State, as well as in my State, people have died as a result of air pollution.

It is of the greatest possible importance that this legislation be enacted. I am just as much interested in controlling air pollution as in any of the other aspects of the bill, or even more interested. In indicating my advocacy of the additional use of bituminous coal, I did not intend to indicate any-

thing other than complete support of what the Senator from New Mexico has done. Also, I salute my friend from California for his leadership in this connection.

Mr. KUCHEL. I thank the Senator. The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

#### WABASH VALLEY COMPACT

Mr. JOHNSON of Texas. Mr. President, the distinguished junior Senator from Indiana [Mr. HARTKE] was the author of a Senate bill dealing with the granting of consent and approval of Congress to the Wabash Valley compact, and for related purposes. The bill passed the Senate and went to the House. Instead of reporting the Senate bill and considering it, the House chose to report its own bill, namely, H.R. 5711, which is substantially the same, with but a few minor differences. The House has passed H.R. 5711.

I therefore move that the Senate proceed to the consideration of H.R. 5711, and that the Chair lay the bill before the Senate.

Mr. MORSE. Mr. President, will the Senator yield for half a minute?

Mr. JOHNSON of Texas. I yield.

Mr. MORSE. I have no objection to the bill, and shall support the motion. But in supporting the motion I should like to say that I am sure every Member of the Senate welcomes the distinguished junior Senator from Indiana back to the floor today. He has been in the hospital, ill. We have been very much concerned about him. We are very happy to see him back in, obviously, the best of health. We hope that he will use good judgment in taking care of himself, to see that he suffers no relapse, and that he will have a wonderful vacation if, as, and when we adjourn sometime in the future.

Mr. JOHNSON of Texas. Mr. President, I share the hope of the Senator from Oregon. As can be observed, the junior Senator from Indiana is already on the job, getting his work done.

Mr. HARTKE. Mr. President, I thank the Senator from Oregon and the Senator from Texas.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Presiding Officer (Mr. McGEE in the chair) laid before the Senate the bill (H.R. 5711) granting the consent and approval of Congress to the Wabash Valley compact, and for related purposes, which was read twice by its title.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 5711) was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.



Mr. HARTKE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. KEATING obtained the floor.

Mr. JAVITS. Mr. President, will my colleague yield to me?

Mr. KEATING. I yield to the senior Senator from New York.

Mr. JAVITS. Mr. President, I acknowledge the parentage, which has been attributed to me by the minority leader, of the proposal for handling the civil rights problem at this particular stage in our proceedings.

With the permission of my colleague, I should like very briefly to state how I see this problem.

We need legislation on the subject. I thoroughly agree with the Senator from Oregon [Mr. Morse] that we should remain here and legislate. Life's realities, however, being what they are, everyone knows that if we remain here upon that theory, in my opinion, the civil rights legislation itself will suffer, and the things that need to be done may not be done, not because the proposals lack merit, but because of the sheer strain of the desire to get away from here.

Certain questions would be shunted aside, and decided upon an inadequate basis, merely on the theory that they would not have to be decided again, which would be a great shame. Some of them are very desirable.

There exists what might be termed a balance of convenience, and a balance of view, in terms of what is best for this legislation, as between both sides of this issue.

The advocates of civil rights legislation may, if they choose, offer amendments to the pending measure, and, as the Chair has already noted, notwithstanding the personal view of any particular occupant of the Chair, the Senate will decide what is a germane amendment.

In my opinion any amendment which goes to the power of the Civil Rights Commission is a germane amendment; and there are many civil rights measures which, in my view, would be germane. In any case, as the majority leader has often stated, this is an opportunity for the majority to work its will. The majority of the Senate can do what it desires to do in this field.

We therefore have a choice, if there is to be an opportunity to do this job in connection with civil rights at a time when we believe the best job can be done for civil rights—not the best that can be done for going home; not the best that can be done in order to be here when Khrushchev is here, but the best that can be done for civil rights. We can stay our hand from proposing amendments, or we can vote against them, on the theory that we shall have

an opportunity on another occasion. If, on the other hand, there is no such opportunity, we shall be exactly where we are today.

I could, at an appropriate point in the proceedings—and there will be one today or tomorrow—rise and move for the consideration of my resolution, which is on the calendar, to discharge the Judiciary Committee. My colleague from New York could move for the consideration of a bill with respect to which he has very important civil rights amendments. So could the Senator from Missouri [Mr. Hennings] or any other Senator.

The Senate would be free to work its will. The question is, What is the best course of action for this issue? In our view—and perhaps this arrives at the point of mutuality with those who are against civil rights and would just as soon see consideration of the subject postponed—under the circumstances, consideration of this subject should be postponed until the next session.

During the war I was in the Army Chemical Warfare Service. Neither side used gas, which is a very effective and lethal weapon. Why? Because it suited them not to do it.

Of course, the Senator from Georgia has not agreed, nor has the majority leader or the minority leader; yet this plan seems to us to be indicated as the right thing to do.

As to the appropriate time for consideration of this subject, at this particular moment I do not believe that we ought to consider it any later than the middle of January. When we come to February, we begin to get legislation on the floor of the Senate, and there is what amounts to competition of legislation. In January our eye is single with respect to a particular issue with which we are to deal. The best example of that was the debate in connection with the proposal to amend rule XXII, in which the majority leader took such an important part. The debate was concluded within a reasonable time, and action—whether right or wrong—was consummated.

I think there is less likelihood of extended debate in the middle of January than there would be immediately after Lincoln Day celebrations, at which time, in my opinion, we shall begin to be pushed by other legislation. That is especially true, in view of the fact that next year is a Presidential election year, and we shall probably be leaving Washington in July in order to attend the political conventions.

I am grateful to my colleague for indulging me for so long. In summary, I believe that the wise thing, in behalf of civil rights legislation, is to deal with this question not later than the middle of January, and extend the life of the Commission now. I hope very much that this will be the way the question will be decided. That feeling can be expressed by either the majority leader or the minority leader. It is entirely practicable. That would be the most orderly way, and every Senator would have full notice. It would be entirely practicable and orderly, and in full accord with the way the Senate operates, for the minority leader, for example, to say that he will

feel obliged, on such-and-such a day in January, to move for the consideration of this legislation, by whatever means he chooses.

Senator Knowland brought the subject up on motion in connection with a House bill. Our present minority leader may bring it up on motion in connection with my resolution to discharge the Committee on the Judiciary from further consideration of the subject. It can be brought up in connection with my colleagues' amendments or those of the Senator from Missouri, on any bill that may be chosen.

So if we can leave here today, having extended the life of the Commission and having obtained an assurance which is entirely satisfactory to us, and with an entirely unilateral expression of the intention of the majority leader or the minority leader that this subject will be brought before us in the middle of January, I think we shall have well served the cause of civil rights, in which my colleague and I are so much interested.

Mr. CLARK. Mr. President, in my opinion, meaningful civil rights legislation is more important than the adjournment of the Senate. In my opinion, the mere extension of the life of the Civil Rights Commission, important though it is, is not meaningful civil rights legislation. In my opinion, if a majority of the Senate wishes to adjourn within the next day or two, we should bring the civil rights matter up as soon as we come back into session in January. In my judgment, adequate civil rights legislation is more important than any Jefferson-Jackson Day dinner, than any Roosevelt Day dinner, than any Lincoln Day celebration.

I agree completely that the sooner we get at this important legislation, with respect to which my party has firm commitments, which have not been met, the better it will be for the country and for all of us who are happy to be called politicians, although we are also Members of the Senate. I thank my friend from New York for yielding.

Mr. KEATING. Mr. President, I only wish to add that I believe it would be paying the greatest honor we could pay to these distinguished patriots, whom we will honor early next year, to have enacted civil rights legislation prior to the celebrations honoring them, or to be considering it in Congress at that time. After all, Abraham Lincoln can be said to be the father of all civil rights legislation. Certainly if he were here to speak for himself, I know he would expect that we would be doing our duty by enacting legislation rather than in paying homage to him, if that becomes necessary.

Therefore I share the view, if we are not going to come to grips with this problem now, which is my first preference, that we take it up in a very early part of the next session in January. I hope that later in the day the leaders on both sides will have further conferences to the end that those of us who have amendments pending may know definitely what the program is in order that we may govern ourselves accordingly.

Mr. President, I yield the floor.



Mr. JOHNSTON of South Carolina. Mr. President, this is a matter which is very close to my heart. What hurts me most with respect to the whole affair is that we keep following the matter and keep on having investigations with regard to it.

I hold in my hand a book which contains 606 pages, and I have not been able to find in it anything on which the Commission itself is unanimous. It shows that when investigations are made, the kind of report which is going to be made depends upon who the investigators happen to be.

The fact that this book contains 606 pages reminds me that we used to have a medicine called 606, which was supposed to cure certain diseases. Today it is claimed that it does not do so. I think we find the same thing is true with this report of 606 pages. If I had the time to take it up line by line and paragraph by paragraph, I could show the Senate where it would not cure anything either.

In this book the Commission winds up by showing that where integration is taking place, there is trouble between the white and the colored at the present time.

So, Mr. President, in considering the issue of whether or not to extend the life of the Commission on Civil Rights, I cannot help but wonder if the proponents of such a move have pondered the fact that the Commission has made its study, printed its hearings, reached its conclusions, made its recommendations, and therefore has no more business to conduct.

There is no recommendation under the sun that this, or any future commission, to my knowledge, could possibly make that has not already been made; except perhaps to abolish State boundaries, State governments, and State elections. I seriously doubt if the most archfederalists of our Nation's history could come up with any group of proposals that would ever be more far-reaching, more unconstitutional in nature, and more prejudiced than those found in the final report of the existing—for not too long, I hope—Civil Rights Commission. Therefore, I cannot understand why Congress, or even the Commission itself, would want to prolong the life of the Commission. It would only be a waste of money, time, and energy to duplicate the same prejudiced, unconstitutional, and unreasonable preconceived ideas on how to run the country which have already been expressed by the present Commission.

Mr. President, the Civil Rights Commission, by its own admission, and as we can find in the statutes under which it was created, was expressly set up to do the following:

First. Investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

Second. Study and collect information concerning legal developments constitut-

ing a denial of equal protection of the laws under the Constitution; and

Third. Appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution. The Commission was further instructed to submit to the President and the Congress a report of its activities, of its findings, and to make recommendations not later than September 9, of this year.

Mr. President, in my opinion, the Commission on Civil Rights has not confined its duties to the limits provided by the statute under which it was created. The most obvious, glaring abridgment of its authority was the making of so-called proposals which supplemented its so-called recommendations.

Mr. President, the Members of this Senate are not so foolish as to accept anything a minority of the Commission had to say to be a "proposal" by the entire Commission even though some of the liberal press may be inclined to do so. The staff which prepared this report has confused the facts and confused the recommendations and so-called proposals until the average person, at first glance, would think everything appearing in the report was a unanimous agreement by the Commission, or at least by a majority of the Commission.

This report, as I charged earlier, is a hodgepodge of conclusions derived from preconceived ideas based primarily on imagination and very little on fact. There are separate statements, supplementary statements, proposals, recommendations, general statements, and minority statements. When we in the Congress dissent with the opinion of a majority of a committee or subcommittee, we submit what we call a minority report containing minority views. There is always a separate and distinct difference between the two, and on many occasions the minority and majority reports appear under separate covers to avoid confusion. The full report of the Commission contains 557 pages plus an appendix, making a total of 606 pages. In addition, to confuse things, it has issued an abridgment of the report which contains 201 pages. To further confuse the issue, the Commission published what is called "excerpts" containing approximately 38 or 40 pages from the full report.

Mr. President, I charge that the report, the abridgment of the report, and even the excerpts from the report were prepared so as to confuse anyone reading them and to lead them to believe that every conclusion or recommendation contained in them was something of a unanimous nature, or something which carried the opinion of the commission as a whole.

Mr. President, for example, on page 534 of the full report we find a section entitled "Findings and Recommendations—Housing the Problem."

For two pages we are greeted with broad, general, trite phrases regarding hand-me-down clothing, leftovers of others' food, secondhand housing, and so forth, and then are greeted by a statement entitled "Findings." These findings are followed by another section entitled "Recommendation No. 1." Then

we find some more findings after which we run into recommendations 2 and 3. Then we have more findings and recommendation No. 4, and more findings and recommendation No. 5, and more findings and recommendation No. 6.

At the end of recommendation No. 6, the reader of this document would have concluded that these were unanimous findings and recommendations of the whole Commission, or, at the very least, a majority of the Commission. However, if one reads on further, one finds what is entitled "Supplement Statement on Housing" by Vice Chairman Storey and Commissioners Battle and Carlton.

Mr. President, there are only six members of the Commission; therefore, the first six findings and recommendations obviously could not be the recommendations and findings of all six members of the Commission, but only of three, and therefore these six so-called recommendations are as much a minority or supplement statement on housing as is the statement by Vice Chairman Storey and commissioners Battle and Carlton.

Then we find another supplement statement on housing by Commissioners Hesburgh and Johnson. Nowhere in the report is it stated that the first six recommendations and findings are those of the majority of the Commission, the full Commission, or only the three commissioners who did not submit supplement statements. It could be that even some of those who did not submit supplement statements did not conclude and find what was in the first six recommendations and conclusions. They could be the recommendations and conclusions of the staff members who wrote the report, for all I know.

Mr. President, so it goes in nearly every section of the three documents I have mentioned. In fact, the pages of the excerpts from the report of the Commission on Civil Rights do not correspond with the full report of the Commission on Civil Rights, and, therefore, double the effort necessary to sift out fact from fancy, truth from opinion, and reality from conjecture.

Mr. President, my general observation of these reports is that they are all a part of a systematic effort to mount confusion upon confusion. The three volumes published by the Civil Rights Commission are alleged to contain its recommendations, findings, reports, and other statements and ideas. Frankly, they remind me of a dagwood sandwich into which has been thrown a little bit of everything in the icebox. The only difference is that the civil rights sandwich which the Commission expects us to digest contains everything except a little bit of the truth. I am afraid we will get a bad case of legislative indigestion if we swallow this report in toto.

Mr. President, I do not know whether to refer to the Civil Rights Commission report as "the report" or "the reports," so if I occasionally refer to "them" instead of "it," you will understand it is only because of the confusion.

On page 47 of the full report—and for the benefit of those who use the abridgment of the report, on page 41—there is a table entitled "Table 7 in the Full Re-



port." It is "Table 6 in the abridgment of the report." This table refers to South Carolina's population, voting population, and percentage of registered voters.

For some reason the Commission states that its source of information found in this table on this page was obtained from an article published in the *Columbia State* of May 25, 1958, purported to be figures released by the Secretary of State of South Carolina to the press.

Mr. President, for the information of the Senate and the Civil Rights Commission, there is no *Columbia State* newspaper in South Carolina. By some chance the Commission may have been referring to the State newspaper, which is published in Columbia, S.C. I have great respect for the State, if that is the newspaper the commission is referring to, as a newspaper which genuinely attempts to be as accurate as is humanly possible. However, as anyone will acknowledge, there is many a possible slip between what the secretary of state of a State issues and what appears in a newspaper. It is, in a sense, hearsay evidence. This is true because, first, a reporter gathers the information, then he types it up from his notes, then it goes to a city desk to be edited, then it is sent to a proofroom to be proofed, then it goes to a linotype operator to be set in type, and so on until it appears in print.

The Civil Rights Commission apparently did not obtain the information direct from the secretary of state. If it had done so, it would have obtained the correct information, which it obviously did not. The Civil Rights Commission reports that on May 10, 1958, the total number of registered voters in South Carolina was 537,689.

Mr. President, the secretary of state of South Carolina has personally advised me in writing that on May 10, 1958, there were actually 538,915 registered voters in South Carolina. Very obviously the error in the total number of registered voters made by the Commission affects every other statistic and figure on that page referring to my State. This table concerning South Carolina's registered voters is presented in an attempt to demonstrate that Negroes have been prevented from registering because of race, creed, or color. This is not correct.

The Commission used the 1950 census upon which to base the State's population and various percentages, but it used the 1958 registration figures. What the Commission failed to report is the fact that South Carolina requires registration by every voter every 10 years, and the anniversary date for reregistration happened to be 1958. It began in January.

This is just one instance of the bias of the members of the Commission, as reflected in the report. The fact is that in 1958, white registration in South Carolina was down by 30 percent over that of the preceding year. This is because we had entered upon a new registration period, and many citizens had not yet registered. So the conclusion on that page that Negroes were not registering in great numbers, because of refusal to register them on account of

race, creed, or color is a false conclusion. There is no reason in the world why Negro registration should not be off, just as white registration was off in 1958.

Mr. President, if I were allowed ample time to prepare a full criticism of the Commission's report, it could not be completed before next January. My comments would probably fill the Library of Congress, in order to cover the instances of inconsistency, error, and the false conclusions contained in the Commission's report.

Mr. President, I must admit the Civil Rights Commission's report has done one meritorious service: I has brought to my attention that South Carolina has 47 counties. It reported this as a definite statement of fact. I have been running for public office in South Carolina for 36 years, but since 1922 I have never campaigned in more than 46 counties in South Carolina. I am appalled that I have never sought the votes of the people in that 47th county; and I hope the Civil Rights Commission will bring to my attention the name of South Carolina's 47th county, and give me its location, so I will not fail to campaign there in future elections.

Mr. President, this error cannot be charged off by the Commission as a typographical error, because the Commission not only states as a matter of fact, in the final paragraph of this chart, "South Carolina has 47 counties," but it follows up this statement with a table—which I hold in my hand—describing the percentages and types of registered voters in those counties under each category. It lists certain details, and then adds up all the counties, and again reaches a total of 47. Is this, then, the factual report Congress is supposed to accept as a basis for intelligent action?

Mr. President, the very nature of the errors involved indicates carelessness, lack of consideration for fact, and an overzealous attempt to intimidate the Congress with propaganda second only to that produced by the Kremlin.

I hold the report in my hand. I wish the Commission had shown how racial problems have moved into other sections of the country. But the Commission failed to call attention to that fact.

For instance, the report states that 28.1 percent of those who registered in Arkansas in 1958 were nonwhites; and in Florida, 13.2 percent.

Mr. President, the colored people are leaving the southern part of the country, and are going elsewhere; and other sections are going to have this problem.

I notice in the report that for Georgia, the percentage of nonwhites is listed as 25.8; for Louisiana, 13.8; for North Carolina, 28.7; for South Carolina, 33.9 of those voting age. I note that in all other Southern States the percentages have decreased.

At one time—not so long ago, perhaps 25 or 30 years ago—60 percent of the people of South Carolina were colored. But many of them have moved elsewhere. So the people of South Carolina will not be the ones who will be troubled with the fight that is going on.

So I am warning some of the Members of the Senate that the problem which the report claims to exist only in the South, or primarily in the South, is rapidly spreading to other parts of the country.

Furthermore, Mr. President, an examination of the report shows that all the charts or tabulations it includes relate only to the Southern States, and set forth figures in regard to the voters and the number of persons registered only in the Southern States. The Commission does not include in the report such figures in regard to other States—but only in regard to the Southern States.

Mr. President, I realize that many of these factual discrepancies will appear insignificant when standing alone—and especially so to the Commissioners.

However, it is of utmost importance to remember that the conclusions and recommendations, and, yes, even the proposals, rest solely on a foundation of factual errors such as these. I have examined only the material relating to my native State of South Carolina contained in this one table. It will be interesting to note how many other discrepancies appear in tables relating to other States. Perhaps the Senators from the various States can sift, for the benefit of the Senate, fact from fancy in the report where it refers to their native States. But if we have to find the facts for the Commission, then we, the Members of the U.S. Senate, are making the report for the Commission and the Commission loses its usefulness.

Mr. President, the simple fact is there never was a need for a Civil Rights Commission. The very report, with its conflicts and errors of fact, makes it obvious that Congress committed a grave mistake when it created the Commission. We should never repeat such an error again.

Mr. President, the administration, through the Attorney General of the United States, when it requested the creation of the Civil Rights Commission, declared that such a study or congressional inquiry fairly conducted would "tend to unite responsible people in a common effort to solve these problems." The Attorney General in testimony declared:

Investigation and hearings will bring into sharper focus the area of responsibility the Federal Government and of the States under our constitutional system. Through greater public understanding, therefore, the Commission may chart a course of progress to guide us in the years ahead.

Mr. President, in the first place I charge that the Commission has done nothing to bring into focus the area of responsibility of the various States in controlling their own modes of existence as provided for in the Constitution of the United States. If it had, or if I thought it could further fairly define Federal-State responsibility, I would certainly be in favor of extending the life of this Commission. Certainly the Attorney General, of all people, could use some guidance in distinguishing between State and Federal rights.

But it is obvious that the Commission, as reflected in its report, has brought to



the Congress and to the President nothing but preconceived ideas concerning integration and further federalization of the various States. All that anyone can do to determine the respective responsibilities of the Federal and State government is to read the 10th amendment of the Constitution which declares:

The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people.

That is the Constitution of the United States speaking.

This very fact, weighed against the administration's alleged justification for this Commission's, should be sufficient evidence to the Congress that there is really no need for this Commission. The Commission has not brought any State right into focus, but, on the contrary, has magnified federalization to the point that it overshadows everything in the report. It delegates to the Federal Government all States' rights in all fields it enters into. In the second instance, the Attorney General's contention that existence of a Civil Rights Commission would tend to unite the people and help solve these problems has been completely and entirely refuted. To the contrary, in the past 2 years, since the Commission was created, racial tensions have continued to mount until they have reached the crisis level in many of the large cities across the Nation. While the Civil Rights Commission points its political tentacles at the South, the North has become a jungle of bitter racial groups which fight among themselves, commit murder and other violence, and continue to break down all legal and moral order. If the Congress were to use the same logic as some of the Commissioners have used in arriving at their conclusions and recommendations, then we would be justified in concluding that the rising racial tensions of the Nation have resulted from the very existence of the Civil Rights Commission and the efforts of others who favor forced integration.

Mr. President, with all due respect to everyone involved in this controversy, I cannot help but reach the conclusion that hearings held by the Commission were nothing but window dressing and that most of the Commissioners had preconceived notions, ideas, or psychological theories at the time they were appointed and that these things have been reflected in their report.

Not one hearing was held by the Commission on Civil Rights for the purpose of determining what makes Negroes and whites live peacefully in the segregated South while they war among themselves in the integrated North. Let that sink in. Not one hearing was designed to demonstrate the tremendous progress that all citizens of all races, creeds, and colors have made in our Nation, and particularly in the South. Let that sink in.

Mr. President, not once did the Commission attempt to demonstrate the good that is contained in the practice of segregation in the South. The Commission did not mention that thousands upon thousands of Negroes holding col-

lege degrees are now teaching in the schools of South Carolina and other States and that many Negro children of South Carolina and other segregated States enjoy schools far more modern and more expensive and more adequately equipped than do many white children. The Commission did not report the great efforts and the great progress being made by citizens all across the United States who believe in segregation to insure that equal facilities and equal opportunities to people of both races exist.

The newspapers are replete with statements, comments, petitions, and other expressions of members of the Negro race in many areas of the country demanding and insisting upon segregated existence. It is curious to me that the Civil Rights Commission attempted, at no time, to set up hearings to permit these citizens, regardless of race, creed, or color, to be heard in defense of the mode of life we call segregation.

For your information, Mr. President, the Subcommittee on Constitutional Rights of the Committee on the Judiciary, on which I happen to serve, held hearings for about 3 or 4 months, but we had this question before us from January until July. We had bills before the committee for that long. Then we had the matter discussed. I think I still have the floor in the Senate Judiciary Committee on the bill that is pending here. We are still discussing pro and con in the committee the civil rights issue, and whether or not the life of the Civil Rights Commission should be extended, or what to do. We have never reached a conclusion in the Judiciary Committee yet.

Nearly every statement and conclusion of the Commission except for the statement of Gov. John S. Battle, of Virginia, has been directed at devices to force integration. The Commission has heard from a few dissenters who favor integration, but has bypassed the multitude which prefers segregation. The contented and happy vast majority, by arbitrary action of the Commission, have been whirlpooled into a loftily languaged, highly erroneous report against their will. I have only but to quote Commissioner Battle to back up the charge that this report is filled with preconceived ideas and is not based upon fact. I wish to read Commissioner Battle's statement:

I have stated my objections to certain specific recommendations contained in the report.

In addition thereto, and without in any way impugning the motives of any member of the Commission, for each of whom I have the highest regard, I must strongly disagree with the nature and tenor of the report. In my judgment it is not an impartial factual statement, such as I believe to have been the intent of Congress, but rather, in large part, an argument in advocacy of preconceived ideas in the field of race relations.

Mr. President, that is the only thing in the Civil Rights Commission's report with which I believe I could say I fully agree.

Under the subject of "Voting" the Civil Rights Commission finds "there is a general lack of reliable information on vot-

ing according to race, color, or national origin, and there is no central repository of the fragmentary information available." The Commission stated further that lack of such information made its study of voting rather difficult.

Mr. President, the lack of this information and these facilities to enable the Commission to make such a study is not available for one obvious reason: The Constitution of the United States gives unto all States the right to establish voting requirements for its citizens and to conduct the elections in each State. There are no Federal elections in these United States: there are only statewide elections. Even when we elect a President the various States elect presidential electors who then go to cast their ballot for their State's presidential choice.

I remember well reading the history of South Carolina. In 1876 our electors, when voting for President, cast their votes for a man who would get the troops out of South Carolina though he was not the people's choice. Their votes were among the necessary votes to elect a President in 1876.

Therefore, there could be no Federal repository for information concerning voting according to race, color, or national origin. The very lack of this information, to me, would be a strong indicator that there is little if any discrimination in this field. If there was discrimination, there would have to be some master file or index on each voter's race, color, or national origin to enable officials to apply prejudice.

Mr. President, recommendation No. 1 of the Civil Rights Commission seeks to charge the Bureau of the Census with the duty of compiling in the next national census a complete list of registration and voting statistics of every individual, according to race, color, and national origin.

Mr. President, such a storehouse of information housed in the Federal Government's bureaucratic structures in Washington would really set the stage for the worst kind of discrimination and prejudice this Nation has even seen.

Made accessible to a tyrannical administration, this information housed in the Federal Government's bureaucratic structures in Washington would really set the stage for the worst kind of discrimination and prejudice this Nation has ever seen or ever could see.

Made accessible to a tyrannical administration, this information about each voter's race, color, creed, and national origin could become a Pandora's box that would haunt our Nation as long as it exists. I shudder to think now this compilation of every individual's race, creed, and color in America could be used in a spirit of prejudice, which it would be. Hitler did not even have such a file available for his use when he persecuted millions in Nazi Germany because of race and creed.

Mr. President, the Commission reports found lack of uniform provision for the preservation and public inspection of all records pertaining to registration and voting. It further charged that this lack of uniform provision hampers and impedes investigations of alleged denials of



the right to vote by reason of race, color, religion, or national origin.

The Commission did not state that it did not find this information stored anywhere in the North or in any other State. We are led to believe it is only in the South that this situation prevails. However, I want Senators to know this information is not stored anywhere at the present time.

For the information of the Civil Rights Commission, it should be pointed out here that the provisions of any State looking toward the preservation of voting and registration records are designed by the individual States to facilitate registration and secret and expedient balloting. They were not designed to be convenient for some Federal bureau that wants to pry.

It happened that I had a chance to look at a publication containing voting laws of every State. Attention was not brought to these laws by the Commission. I saw that South Carolina required only about a half a page, with reference to voting qualifications and registration, and then I turned to New York and saw that New York required about four pages. The Commission did not say anything about these laws.

A system that is suitable for the people of one State may not be as suitable to the people of another State. Simply because a Federal Commission wants to come in and pry does not mean that we should be required to revamp all State laws pertaining to voting and registration for the convenience of the Federal Commission.

I have been informed that in Russia the voting system has been so smoothed out and federalized, as apparently the Civil Rights Commission is seeking to do, that when a person goes to vote at the Russian polls, he does not have to do anything, not even decide for himself for whom to vote. I fear that if we begin to systemize everything along a streamlined Federal system as the Commission desires we will lose the basic American principle of privacy and individualism.

I cannot see where the preservation of such records would have anything to do with whether or not a person was impeded in registering or voting.

That is one thing the people have been crying for, the right to vote. It has been said that the people will know how to vote. In this instance the Federal Government wants to tell everybody how everybody votes.

If one were impeded from these processes, then one would not be in the records. So what is the purpose of maintaining these records? The charge that one was denied the right to register and vote is a charge which stands upon itself. There could be no record of this charge contained in the registration or voting records of a State because those records are records of people who exercised those rights.

Mr. President, if what the Commission meant in its second recommendation is that the voting records should be preserved in cases of alleged fraud where one had exercised his right to vote, but through a fraudulent act his vote was not counted, that is a different matter. This is an entirely different situation.

Fraud is a punishable offense in every State in the Union. In my own State of South Carolina there have been instances in which fraud was charged; and always, to my knowledge, the voting and registration records involved were available for the proper officials to examine.

Mr. President, the Civil Rights Commission recommends that all registration and voting records shall be made public records and be preserved for 5 years. During this time they shall be subject to public inspection, provided that all care be taken to preserve the secrecy of the ballot.

Mr. President, here again we run into one of those dreamy-eyed proposals that are about as practical as a soup spoon with a hole in the middle of it. How can any State, or the Federal Government, or any agency thereof, preserve voting and registration records that are to be made public records, and yet preserve the secrecy of the ballot? To me, this is an impossibility. How an individual votes is the most secret and private thing that a citizen can have under our form of government. People guard their voting records more privately and personally than they do almost anything else.

Mr. President, in my opinion the Civil Rights Commission is tampering with one of the most important belongings of the American people, and it is attempting to get the Federal Government to legislate in a field which is purely a State matter. This requirement to preserve voting records under a Federal statute, in my opinion, violates more than half a dozen rulings by Federal courts on this issue.

I should like to cite a few of the cases which substantiate my position. I think when they read them they will agree with the findings in those cases.

Among them are *McPherson v. Blacker*, 146 U.S. 869; *Minor v. Happersett*, 88 U.S. 627; *Breedlove v. Suttles*, 302 U.S. 277; and *Pirtle v. Brown*, 188 F.(2d) 218.

Mr. President, from the little I can make out of the Civil Rights Commission's report, what the Commissioners and proponents of such legislation are after is for the States to eventually wipe out all registration requirements. They would have us throw the door open on election day and declare that everybody may come in and vote, whether he is a criminal, a non compos mentis, or regardless of what he is. The Commission proposes that no State should have the right to bar anyone, for any reason, from voting. The recommendations go far beyond any race, creed, or color differences that may be involved.

Mr. President the Civil Rights Commission also seeks the power to subpoena witnesses by directly going to a district court instead of going through the Attorney General to obtain such a subpoena. The Commission says that the normal procedure is "a needlessly cumbersome" one and is not "a sound system of administration."

Mr. President, one of the problems of this country today is that we have made it too easy for the Federal Government to reach down and delve into matters which are solely of a State nature. If the Commission seeks to speed up the

procedures for obtaining true justice, it would probably prefer that the States do away with the jury trial in criminal cases, and eliminate the right to appeal. I do not think that the quickest way is the best way. On the contrary, it is a dangerous substitute.

Mr. President, I noticed that the Commission, in recommendation No. 5 under the subject of "voting" is suggesting that whenever the President of the United States receives sworn affidavits by nine or more individuals from any district, county, parish, or other political subdivision of a State, alleging that the affiants have unsuccessfully attempted to register with the duly constituted State registration office, the President shall refer such affidavits to the Commission on Civil Rights. Following that, the Commission will first investigate the allegations, and subsequently overrule the local registration boards whenever, in the Commission's opinion, it feels any of the affiants qualified to register. I have never heard of a more baldfaced attempt to destroy the rights of a State to govern itself.

I am wondering, first, why the Commission picked the figure "nine or more." Why should nine people, if so-called justice is to be rendered by the Commission, be the criteria? Why not "one or more"? Could it be that "nine" was a figure that is resting on the minds of some of the Commissioners, such as the nine members of the Supreme Court?

The more I delve into this report, the more I believe the Civil Rights Commission would like to be constituted as a permanent quasi-judicial Federal body with the unofficial title of "The Junior Supreme Court."

This recommendation even goes much further than I have described, for it provides that the President shall designate an existing Federal officer or employee in the given area from whence the complaints came to act as a registration officer. I wonder what Federal officer it would choose to operate the registration certification program in Columbia, S.C., or in my hometown, Spartanburg, S.C.

Mr. President, I do not believe the people living in South Carolina had to face conditions worse than those recommended by the Civil Rights Commission, back in the Reconstruction era, when carpetbaggers took over our State government and robbed our treasury, ransacked our laws, and stole our civil rights.

Mr. President, the proposal of the Civil Rights Commission in this instance would deprive the people of my State, and the people of any other State involved, of a basic right—the State right, if you please, to control its own registration and election machinery.

Any attempt to place Federal control over such machinery is an obvious violation of several court rulings in this respect. These cases have upheld the time-honored constitutional provision that there is no Federal election; that all elections are State elections, and that those elected are representatives of the State, and not the Federal Government. Therefore, the Federal Government has no business meddling with the registra-



tion and voting systems of the various States.

In this respect, let me quote from *Minor v. Happersett*, 88 U.S. 627, at page 629, where Justice Waite declared:

The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters. The Members of the House of Representatives are to be chosen by the people of the States, and the electors in each State must have the qualifications requisite for the electors of the most numerous branch of the State legislature.

Mr. President, I believe the dissent by Commissioner Battle to the recommendations of the other Commissioners on Federal confiscation of voting and registration machinery in the various States should be read into the RECORD at this point:

I concur in the proposition that all properly qualified American citizens should have the right to vote but I believe the present laws are sufficient to protect that right and I disagree with the proposal for the appointment of a Federal registrar which would place in the hands of the Federal Government a vital part of the election process so jealously guarded and carefully reserved to the States by the Founding Fathers.

Mr. President, no one could appraise the so-called recommendations of the other Commissioners any finer than Commissioner Battle has done.

Mr. President, as to the proposal for a constitutional amendment to establish universal suffrage made by Chairman Hannah and Commissioners Heshburgh and Johnson, I believe it is adequate to state that the proposed amendment violates the very concepts of the preamble of the Constitution. However, one cannot argue with the right of any American to propose any amendment to the Constitution. It should be of great importance to the Senate, however, that three of the Commissioners opposed this so-called recommendation. Let us bear in mind that there are only six. Once again the authors of the Civil Rights Commission report have inferred that a recommendation by three members of the Commission is a recommendation by a majority of the Commission, while, in fact, it is simply a minority view expressed by one-half of the Commissioners.

As I read the contentions of the Civil Rights Commission in the field of education, I was appalled at the inconsistencies and contradictions contained in the report. However, I was not surprised to find all through this report an attempt to enlarge upon the Supreme Court rulings in this area and to find a very definite flavor of prointegration in the report.

In the first instance, I do not believe the Civil Rights Commission had any proper right to go into the field of education. It is not what I would consider a civil rights problem. It is a matter which has been and always will be a controversy of States' rights against Federal rights. The people of various States feel that school systems and educational facilities, because they are supported with local tax funds and are controlled by local school boards, should not be tampered with by

Federal intervention. The Supreme Court in its 1954 decision ruled that it was unlawful for any school to practice segregation where the people desired to integrate, but, it should be made plain, the Supreme Court did not say that segregation in itself was illegal.

To say that the Supreme Court's interpretation on any part of the Constitution is the law of the land is an incorrect conclusion. Such a conclusion would place the Supreme Court above the Constitution and above the people. I want to make it plain that I oppose the Supreme Court's 1954 ruling in its entirety and, although I am a Senator charged with upholding the Constitution of the United States, I am obliged to say that I will do everything in my power to reverse the ruling of the Supreme Court as it is applied in the field of education.

The Civil Rights Commission in its report adheres to the theory that the Constitution, as interpreted by the Supreme Court, is the supreme law of the land. Mr. President, I wish to quote that again for the Senate. The Civil Rights Commission in its report said:

The Constitution, as interpreted by the Supreme Court, is the supreme law of the land.

Mr. President, this statement is a fallacious, misleading conclusion and the Constitution itself contains the language to bear me out. Let me quote from the Constitution. Article 6, section 2, of the Constitution declares:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land \* \* \*.

Mr. President, there is no question but that the Constitution is the supreme law of the land and needs no help from the Supreme Court on this score. Article 6, section 2, makes no mention of the Supreme Court of the United States, and when the Supreme Court makes an interpretation that is erroneous, I say the supreme law of the land is still the Constitution and not the interpretation made by the Supreme Court.

The proposal by the Civil Rights Commission to direct the U.S. Office of Education, in cooperation with the Bureau of the Census, to conduct an annual school census would be a wasteful, ridiculous, and downright absurd program to follow. Such a census would reflect no true picture as regards to whether or not integration or segregation is being practiced in accordance with the so-called Supreme Court ruling of 1954. This is especially true because in many areas of the Nation segregation is practiced voluntarily by both groups and any statistical report by the Bureau of the Census or the Office of Education would not reflect the feelings and desires of the people. However, it would possibly present an invitation to agitators and outsiders to come into a segregated area and attempt to force integration upon unwilling people. This would even be contrary to the wild and ridiculous 1954 decision of the Supreme Court which, in effect, placed the practice of integrated or segregated schooling on a voluntary

basis. The Commission itself, quite inadvertently I am sure, used this interpretation in one of its findings by citing *Briggs v. Elliott*—132 Federal Supplement 776). In that decision the late Judge John J. Parker, of the U.S. Fourth Circuit Court of Appeals, declared:

What it (the Supreme Court) has decided, and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the State may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches.

The Supreme Court's biased 1954 decision without precedent is exceeded only in deceitfulness by the biased Commission's 1959 report which is a finding without fact.

As Vice Chairman Storey and Commissioners Battle and Carlton declared concerning the educational recommendations:

The text preceding the findings and recommendations is to a large extent argumentative and colored by the authors' views of the sociological and philosophical aspects of the school integration problem.

Here again is a divided opinion on a field of study that the Commission should have never even entered.

Any man who is unbiased in his thinking, I think, will surely admit that education is a State matter and certainly does not fall in the category of a Federal civil right.

Mr. President, I shall not spend a great deal of time on the Civil Rights Commission's housing recommendations for they, too, are for the most part nothing but attempts to promote further federalization and integration.

It is evident from the Commission's report that housing problems arise in large cities. In the South there are very few cities equal in population to the crowded cities of the North. Therefore, I feel that housing is not a problem which we face in the South. I trust that the true purpose of this Commission is to prevent further racial difficulties. After reading the report, I fear that this has not been their purpose.

There have been, to my knowledge, no racial problems because of segregated housing in the South. This statement cannot be made by the large integrated cities of the North. Thus, another point of attack on the southern way of life has failed because no problem exists.

The Commission's report clearly states that the housing problems are caused to a great extent by migration. It says that many people who are unable to afford good housing in the suburbs migrate to the cities filling existing slums and creating new slum areas. It goes further and makes this clear observation in regard to these slum conditions causing housing problems:

This is true irrespective of race or nationality.

Thus, the Commission admits that any problem of housing is not due to segregation. The only racial problems in the



housing field are found where integration exists.

Mr. President, as I look through the final report of the Civil Rights Commission, I am reminded of an often-quoted line of Shakespeare. Hamlet, who was reading a book, was asked by a friend, "What do you read?" Hamlet, in utter disgust, replied, "Word, words, words." My colleagues, it is with utter disgust that I make the same observation regarding this report: the efforts of 2 years investigation. It is 683 pages of "words, words, words."

I honestly believe that an extension of this Commission on Civil Rights will produce for us at great expense only one thing: another volume of trite phrases, preconceived findings, and lawless recommendations. I defy the Senate to show me one thing this Commission has accomplished other than a volume of "words, words, words."

Mr. President, to vote against this proposed legislation will be the easiest vote of the year for me to cast. I have always opposed foreign aid and I have always opposed civil rights legislation. I oppose foreign aid so strongly that even if I were an advocate of continuing the Civil Rights Commission, I would still vote against this measure. But, to have both civil rights legislation and foreign aid legislation wrapped up in the same package makes it possible for me to vote to kill two birds with one stone.

I believe tacking on civil rights legislation to the foreign aid bill is a flagrant violation of the orderly procedures of the Senate and a direct assault upon the Judiciary Committee of the Senate. The precedent being established here in bypassing the Senate Judiciary Committee is a far-reaching step that will open the door to other such moves in other fields and may start the general deterioration of all Senate rules and order. We cannot legislate from the floor of the Senate in an intelligent manner by suspending the rules at every turn and at every time the leadership predetermines he has the power to do so. To do this is to turn the Senate into a body run by dictators.

Except for the direct appropriation, the Committee on Appropriations has no right to legislate in this field. It is a question for the Committee on the Judiciary of the Senate to handle. I can imagine the furor that would emit on the floor of the Senate if the Judiciary Committee attempted to tack onto some legislation an appropriation measure not cleared by the Appropriations Committee.

If the Senate sustains the motion to suspend the rules and considers the Civil Rights Commission extension amendment, then a terrible precedent will have been established which will return to haunt this body forever. It will amount to dictatorship of the Judiciary Committee by the Committee on Appropriations in a field of legislation that is entirely the business of the Judiciary Committee.

The business of the Appropriations Committee is to report out appropriations bills to provide funds to pay for expenditures already authorized by the Congress. It is not the business of the

Appropriations Committee to write authorizations in appropriations bills and that is what is being done here in the Senate now. The Appropriations Committee should not consider appropriations for extending the life of the Civil Rights Commission until and unless Congress has previously voted to extend the life of the Commission and made proper authorizations.

Also, it is highly inappropriate, to say the least, to tack appropriations onto a foreign aid bill that provides for a strictly domestic program. Although, I guess if money is to be wasted on civil rights studies such as the extension of the life of the Civil Rights Commission, it could not be in better company than the foreign aid bill. It is a matter that is foreign to the Constitution of the United States and it is a waste of the people's tax money, so in those two categories I presume civil rights and foreign aid do have common denominators.

Mr. President, the rules of the Senate do the same for the Senate as the laws of the Nation do for our land. Law brings order out of chaos for our Nation, and rules bring order out of chaos for the Senate.

The Supreme Court on many occasions in recent years has suspended the laws of the land in many fields and brought chaos out of order.

The U.S. Senate would be setting a very bad example to the rest of the Nation if it now suspends its rules and brings chaos out of order just to satisfy the political desires of a few for the moment.

Mr. President, I hope the Members of the Senate will not vote to suspend the rules of this body, but will vote to maintain law and order.

It is quite that simple.

Mr. ROBERTSON. Mr. President, when the Senate had under consideration the Civil Rights Act of 1957, I opposed it generally, and objected specifically to part I, which established a Commission on Civil Rights.

I said such a Commission would be political in nature and disruptive in its effect; that its hearings and reports could be manipulated with an eye on minority blocks of votes in pivotal States, and that it would lead only to harassment of the States in their efforts to administer their internal affairs.

The 1959 report of the Commission, authorized in 1957, has confirmed those fears; and I am more than ever convinced that it does not, and cannot, serve a useful purpose, and that the extension of its life would be a waste of money and a disservice to the people of the Nation.

We have the authoritative statement of one of the Commissioners, former Gov. John S. Battle, of Virginia, that the report "is not an impartial factual statement, such as I believe to have been the intent of Congress, but, rather, in large part, an argument in advocacy of preconceived ideas in the field of race relations."

At the time of its establishment, this Commission was represented as a fact-finding body which would do a temporary job, investigating charges of violations of civil rights and assembling impartially weighed evidence which would be useful

when proposals for future legislation in this field were considered.

The departure from the intent of Congress is disclosed in the Commission's report not only by its argumentative nature, referred to by Commissioner Battle, but also by open pleas for its continuance, not merely for an additional period during which to complete studies which have been started, but also as a permanent agency, with regularly assigned administrative functions.

The report recommends that after Federal registrars have been appointed to usurp the State function of determining qualifications of voters, the Commission shall investigate the validity of charges that voting rights have been denied, and shall certify to the President and to the Federal registrars affidavits which it considers well founded. That assignment presumably would continue so long as there were a possibility that any would-be voter might file a complaint that he was discriminated against because of race, color, religion, or national origin.

The report also recommends that the Commission serve as a clearinghouse to collect and make available to States and to local communities information on programs and procedures to bring about desegregation of schools—another assignment of lengthy and indefinite duration.

A third bid to make permanent the jobs of the Commission staff and to add future employees is contained in the recommendation that the Commission be requested by the President "to continue to study and appraise the policies of Federal housing agencies, to prepare and propose plans to bring about the end of discrimination in all federally assisted housing and to make appropriate recommendations."

So, Mr. President, the real question to be decided by Congress is not whether we shall extend the Commission for another 2 years, and let it spend an additional \$500,000, but whether we are willing to accept it as a new bureaucratic agency, a source for administrative patronage, an adjunct to political campaign organizations, and a constant irritant against national unity and voluntary racial cooperation.

Let us make no mistake: If we allow the professional organization which handles the detailed work of this Commission, on behalf of its part-time volunteer members, to entrench itself during another 2 years, it will find so many ways to make itself politically useful that it will be extremely difficult to dislodge thereafter.

But those who might benefit from its operations at one period, might become the victims at another. The Commission was aimed at the Southern States, which have had the major problem of dealing with racial minorities of large proportions. But that problem is spreading to metropolitan centers in other areas.

A politically motivated organization which continues to delve into the fields of voting, education, and housing, and which exhibits, as the report of this Commission has, an utter disregard for



the fundamental principles of the Constitution and a willingness—as a protesting half of its members have recognized—to “ignore historical fact and disregard the development of constitutional law,” poses a threat to all, including its original sponsors.

I shall not take the time on this occasion to analyze the Civil Rights Commission's report and to point out its unreliable and irresponsible nature, but I want to give just one illustration of what amounts to outright dishonesty in citing the Constitution of the United States.

In the chapter devoted to findings and recommendations on the subject of voting, the report says (p. 135):

Article I, section 2 of the U.S. Constitution has long stood for the proposition that, while the qualifications of electors of Members of Congress are governed by State law, the right to vote for such representatives is derived from the U.S. Constitution. Article I, section 4, authorizes Federal protection of voting in Federal elections against interference from any source.

The report will be read by many persons not familiar with the text of the Constitution; and they will accept these statements at face value. But what does the Constitution say?

Article I, section 2, says this, and no more:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

What words in that sentence stand for the proposition that the right of an individual to vote is derived from the Constitution? Actually, the wording of that section, and more especially its history, as revealed in the Constitutional Convention debates, State ratifying convention debates, and the Federalist papers, make it clear that the purpose was to leave to State decision the question of who should be qualified to vote in State elections, and then to allow the same persons, and no others, to vote in Federal elections.

Let us look now at article I, section 4. It says:

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

That is the complete text. How can its limited grant of reserve power to the Federal Government to alter “times, places, and manner of holding elections” be interpreted as authorization for “Federal protection of voting in Federal elections against interference from any source”?

The Commission report goes on to say correctly that the 14th amendment affords protection against State interference with equality of opportunity to vote; that the 15th amendment prohibits interference by the United States or a State with the right to vote, because of race, color, or previous condition of servitude, and that the 19th amendment prohibits State interference with the right to vote, because of sex.

But the misstatement about article I, section 2 is repeated when the report says:

The 17th amendment provides that a person possessing State qualifications has a right to vote which is derived not merely from the Constitution or the laws of the State from which the Senator is chosen, but has its foundations in the Constitution of the United States.

Mr. President, the 17th amendment merely says the Senate shall be composed of two Senators from each State, “elected by the people thereof,” and then repeats the language of article I, section 2:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

This language, reaffirmed and repeated after a century of experience under the Constitution, makes no pretense of conferring voting rights on individuals, but simply extends the right to vote in Senatorial elections to those who have qualified to vote in State elections.

It is on the basis of this twisting of constitutional language that the Commission recommends appointment of Federal registrars who would pass on qualifications of voters, and thereby, as Commissioner Battle said, “place in the hands of the Federal Government a vital part of the election process so jealously guarded and carefully reserved to the States by the Founding Fathers.”

Mr. President, even Alexander Hamilton, the arch advocate of a strong Central Government, would have been shocked by this proposal, for Hamilton himself said in the 59th Federalist paper:

Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarranted transposition of power and as a premeditated engine for the destruction of State governments?

Mr. President, the Civil Rights Commission can be an engine for the destruction of State governments. I am opposed to the authorization to extend its existence, and I am opposed to the appropriation to continue its operations.

#### MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1575. An act to amend the act of August 1, 1958, to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources, and for other purposes;

S. 1845. An act to provide for the reestablishment of the rates of basic compensation for certain Government positions, and for other purposes;

S. 2181. An act to amend the Mineral Leasing Act of February 25, 1920;

S. 2208. An act to provide that Alaska and Hawaii be eligible for participation in the distribution of discretionary funds under section 6(b) of the Federal Airport Act;

S. 2504. An act to authorize the sale at current support prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes;

S. 2568. An act to amend the Atomic Energy Act of 1954, as amended, with respect to cooperation with States; and

S. 2569. An act to amend the Atomic Energy Act of 1954, as amended.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. HARTKE. Mr. President, I was extremely impressed as I read, while confined in the Bethesda Naval Hospital, the report of the U.S. Commission on Civil Rights. I was impressed with the factual nature of the report and its very fair analysis of a difficult problem, one often fraught with emotion.

It is interesting to note, Mr. President, that the Commission found no geographic section of our country offering full opportunity and rights of citizenship to all Americans, regardless of race, creed, or color.

Of all the rights Americans hold dear, the keystone of all is the right to vote. It is interesting to note that all the Commissioners have agreed that this right should be protected and extended to all citizens, even though among them there may be some differences as to how this should best be done.

I applaud, Mr. President, the excellent manner in which the Commission has proceeded with its business, as well as the report coming from its investigations and deliberations. It is proof positive that the issues which seem to divide us as a Nation are not insoluble.

When I came to the Senate, last January, it was my profound hope that in this session we would be able to write a meaningful civil rights bill—a law which would recognize basic rights of all Americans, indeed all human beings, and would protect and insure these rights for all citizens. Unfortunately, we have been faced with so many problems and with so many obstructions in this divided Government that we did not give this matter the attention on the floor of the Senate that it should have had. Unfortunately, too, we did not receive the report of the Commission until the 11th hour before adjournment.

Mr. President, I wholeheartedly support the move to continue the life of this Commission of reasonable Americans who earnestly are seeking a common ground on which to unite all Americans and to see that everyone in this blessed land receives an equal opportunity for housing, education, employment, and voting.

Furthermore, Mr. President, it is my sincere hope that the Senate will, when it meets again, next January, turn its attention to consideration of these recommendations as some of the first items of business. It seems to me that protection and extension of voting rights for all Americans should be one of the very first things we do next January.



Without such action, we cannot truthfully say that every citizen has a voice in his Government. With such action we can proudly say that we are making representative democracy work for all Americans, no matter what race, creed, or color. Thereafter, we may look forward with the hope and expectation that the full, unalienable rights called by our Founding Fathers, "life, liberty, and the pursuit of happiness," will truly be enjoyed by all our citizens.

Mr. HILL. Mr. President, I rise in opposition to the attempt to extend the life of the U.S. Commission on Civil Rights. I do so out of a sense of devotion to the people of Alabama, the South, and the Nation, and out of a sense of devotion to the Constitution which the Founding Fathers bequeathed us.

We are all now familiar with the report of the U.S. Commission on Civil Rights, and I think the report itself should in large measure determine the merits of this debate.

There is nothing in that report to merit the approbation of a free people. I am against it, and I believe the report itself is an unanswerable argument in favor of permitting the Commission to die its natural death. The report of the Commission constitutes, in my judgment, one of the most indefensible and irresponsible statements of a public agency that I have ever read. The recommendations and alleged "findings" of some of the members of the Commission, if accepted generally, would be a grave threat to the rights guaranteed by the Constitution and the liberties sought to be held forever sacrosanct by the Bill of Rights.

At this time, when all of us need to get back to our people to ascertain their thoughts, their desires, their aspirations, and once more be invigorated by the spirit of grassroots democracy which has made our Nation indestructible, we find ourselves squandering our time, our energies, and the people's money on this debate to extend the life of the U.S. Commission on Civil Rights.

In order that the record may be clear as to my position in opposition to the extension of the life of this Commission, I wish now to consider the incredible recommendations of the Commission.

First of all, the Commission, in the report of its study on voting, recommends a census of voting by race, color, and national origin. The alleged "findings" of the Commission are as follows:

The Commission finds that there is a general deficiency of information pertinent to the phenomenon of nonvoting. There is a general lack of reliable information on voting according to race, color, or national origin, and there is no final repository of the fragmentary information available. The lack of this kind of information presents real difficulties in any undertaking such as this Commission's.

The Commission, which has spent so much of our people's money so fruitlessly, next proceeds to make a recommendation that would accomplish nothing but a sure waste of the taxpayers' hard-earned dollars. The Commission then makes its "recommendation No. 1," as follows:

Therefore, the Commission recommends, that the Bureau of the Census be authorized

and directed to undertake, in connection with the census of 1960 or at the earliest possible time thereafter, a nationwide and territorial compilation of registration and voting statistics which shall include a count of individuals by race, color, and national origin who are registered, and a determination of the extent to which such individuals have voted since the prior decennial census.

Mr. President, such a recommendation, if put into effect, would accomplish nothing toward contributing to life, liberty, and the pursuit of happiness of our people. This is but an illustration of the irresponsibility of the Commission in making its report and in endeavoring to justify its 2-year existence.

After recommending this waste of the taxpayers' money, the Commission proceeds into the field of States rights and proposes Federal intrusion therein by making a recommendation in favor of the preservation and inspection of voting records of the States and of the people.

The so-called findings of the Commission are as follows:

The Commission finds that lack of uniform provision for the preservation and public inspection of all records pertaining to registration and voting hampers and impedes investigation of alleged denials of the right to vote by reason of race, color, religion, or national origin.

The Commission then makes its recommendation No. 2, as follows:

Therefore, the Commission recommends that the Congress require that all State and territorial registration and voting records shall be public records and must be preserved for a period of 5 years, during which time they shall be subject to public inspection, provided that all care be taken to preserve the secrecy of the ballot.

I ask, Mr. President, how is it humanly possible to preserve all voting records for a period of 5 years and hold those records up for public inspection and at the same time preserve the secrecy of the ballot.

It cannot, in my judgment, be done.

At first appearance, this recommendation of the Commission would seem to be a further effort to encroach on the rights of the States only, but a close scrutiny of the proposal reveals it to be an effort on the part of the Federal Government to desecrate one of our most precious inheritances—the right to a secret ballot.

The right of a citizen to cast his ballot in all secrecy is one of the greatest bastions of human liberty that the mind of man created. This right, like the right of trial by jury, is an indispensable component of American democracy. Once this right is infringed upon, our concept of American democracy will have been drastically altered, for it will never be the same. Once this right is infringed upon, we would have to adjust ourselves to a new mode of self government, for the enlightened concept of government of the people, by the people, and for the people will have been seriously abridged.

There is no substitute for the secret ballot. No procedural device ever conceived can take its place. It is unique. There is nothing like it that has ever been engendered. The secret ballot alone is the sure protector of the continued preservation of our American dem-

ocratic way of life. Once that is lost all that we hold dear may well be lost.

This right is so jealously guarded and is so dearly prized by the American people that I devoutly believe any attempt to abrogate it will be renounced at once as an outrage to which an enlightened people will never acquiesce.

How, Mr. President, can this Senate give its stamp of approval to a public agency which has made such an indefensible recommendation?

The Commission, in its report, then proceeds to launch into a further assault on State sovereignty by its finding, as follows:

The Commission finds that the lack of an affirmative duty to constitute boards of registrars, or failure to discharge or enforce such duty under State law, and the failure of such boards to function on particular occasion or for long periods of time, or to restrict periods of functions to such limited periods of time as to make it impossible for most citizens to register, are devices by which the right to vote is denied to citizens of the United States by reason of their race or color. It further finds that such failure to act is arbitrary, capricious, and without legal cause or justification.

The Commission then makes its recommendation No. 3, as follows:

Therefore, the Commission recommends that part IV of the Civil Rights Act of 1957 (42 U.S.C. 1971) shall be amended by insertion of the following paragraph after the first paragraph in section 1971(b):

"Nor shall any person or group of persons, under color of State law, arbitrarily and without legal justification or cause, act, or being under duty to act, fail to act, in such manner as to deprive or threaten to deprive any individual or group of individuals of the opportunity to register, vote, and have that vote counted for any candidate for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives, Delegate or Commissioner for the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate."

This recommendation typifies some of the ambiguity of the Commission's report, which, if so construed by the courts, could possibly be fraught with interpretations that would harass and surely undermine the honest efforts of local citizens to manage their governmental affairs. Is it not possible that this recommendation, if enacted into law, could mean that a local registrar who sought to resign his job for reasons of health, or of business, or for any good cause, would be guilty of a violation of this section, in the event any individual or group of individuals brought charges against him for his failure to register them to vote? The mere possibility that this is true dooms such a recommendation to ultimate failure and renounces the desirability of continuing the existence of any public agency which conceived the recommendation.

In its next recommendation, the Commission would arrogate unto itself judicial powers which I think have never before been given to a purely investigative body.

The Commission "finds," as follows:

The Commission finds that the necessity for securing the aid and cooperation of a



separate agency of the Federal Government in order to discharge the Commission's responsibilities under law is a needlessly cumbersome procedure. It is not a sound system of administration. Full and effective implementation of Commission policy in the discharge of Commission responsibilities under law requires full and exclusive control of any necessary report to the courts by the Commission itself.

The Commission's "recommendation No. 4" follows:

Therefore, the Commission recommends that in cases of contumacy or refusal to obey a subpoena issued by the Commission on Civil Rights (under sec. 105(f) of the Civil Rights Act of 1957) for the attendance and testimony of witnesses or the production of written or other matter, the Commission should be empowered to apply directly to the appropriate U.S. district court for an order enforcing such subpoena.

Not satisfied with having the full resources and authority of the Office of the Attorney General of the United States to enforce their subpoena powers, the Commission now comes forward and asks for the unrestricted right to go into the Federal courts and invoke the contempt processes thereof to compel the testimony of witnesses who have been hauled before it to answer harassing questions and to do the bidding of this select and powerful body.

This recommendation illustrates one of the reasons why I was so opposed to the establishment of this Commission. This demonstrates the perennial truth that, when there is established an agency for bureaucrats who have no legitimate end to serve, they will spend their time and the taxpayers' money in an effort to justify their existence and to reach out and grab more and more power. As Thomas Jefferson expressed it, they cast anchors ahead to grapple for more power.

One of the worst recommendations of the Commission is recommendation No. 5 on voting. It reads as follows:

Therefore, it is recommended that, upon receipt by the President of the United States of sworn affidavits by nine or more individuals from any district, county, parish, or other recognized political subdivision of a State alleging that the affiants have unsuccessfully attempted to register with the duly constituted State registration office, and that the affiants believe themselves qualified under State law to be electors, but have been denied the right to register because of race, color, religious, or national origin, the President shall refer such affidavits to the Commission on Civil Rights, if extended.

A. The Commission shall:

1. Investigate the validity of the allegations.

2. Dismiss such affidavits as prove, on investigation, to be unfounded.

3. Certify any and all well-founded affidavits to the President and to such temporary registrar as he may designate.

B. The President upon such certification shall designate an existing Federal officer or employee in the area from which complaints are received, to act as a temporary registrar.

C. Such registrar-designate shall administer the State qualification laws and issue to all individuals found qualified, registration certificates which shall entitle them to vote for any candidate for the Federal office of President, Vice President, presidential elector, Members of the Senate or Members of the House of Representative, Delegates or Commissioners for the territories or possessions, in any general, special, or primary

election held solely or in part for the purpose of selecting or electing any such candidate.

D. The registrar-designate shall certify to the responsible State registration officials the names and fact of registration of all persons registered by him. Such certification shall permit all such registrants to participate in Federal elections previously enumerated.

E. Jurisdiction shall be retained until such time as the President determines that the presence of the appointed registrar is no longer necessary.

The dissent by John S. Battle, a former distinguished Governor of the State of Virginia, demolished the validity of any argument in favor of this recommendation when he stated, "I disagree with the proposal for the appointment of a Federal Registrar which would place in the hands of the Federal Government a vital part of the election process so jealously guarded and carefully reserved to the States by the Founding Fathers." The dissent by Commissioner Battle continues:

I concur in the proposition that all properly qualified American citizens should have the right to vote but I believe the present laws are sufficient to protect that right and I disagree with the proposal for the appointment of a Federal registrar which would place in the hands of the Federal Government a vital part of the election process so jealously guarded and carefully reserved to the States by the Founding Fathers.

In my judgment, Mr. President, the proposal to have a Federal registrar to supplant the duties, functions, rights and privileges of State and local registrars is wholly unconstitutional.

It is in violation of section 2 of article I of the Constitution, and the 17th amendment which reserves exclusively to the States the right to determine the qualifications of electors.

It is in violation of the 10th amendment to the Constitution, which states:

The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It is in violation of the ninth amendment to the Constitution, which states:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others pertaining to the people.

It contravenes the spirit of the sixth amendment to the Constitution, which states:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defense.

It is in violation of the spirit of the sixth amendment, Mr. President, because it would remove a local registrar from his duties and, in effect, condemn him as being guilty of a crime—the crime of unlawfully denying a qualified person of the right to exercise his franchise as a voter in violations of sections 241 and 242 of title 18 of the United States Code.

Regardless of whether or not such registrar should ever be prosecuted, he shall forever remain an accused who did not enjoy the right to a speedy and public trial, an impartial jury of the State and area wherein the crime allegedly was committed. He shall have been denied his constitutional right to be informed of the nature and the cause of the accusations brought against him. He shall have been denied the right to be confronted with witnesses against him. He shall have been denied the right to have compulsory process for obtaining witnesses in his favor.

And whether or not he employed the assistance of counsel will make no difference, for he shall have had no defense nor any right to present his defense.

When the representatives of the free, independent, sovereign American colonies met in Philadelphia in 1787 to determine what form of government would succeed the tyranny of the British Crown they had, for their benefit, the benefits of the works and labors of great thinkers, philosophers, statesmen, and writers. They had the rich traditions of Montesquieu, John Locke, and all the thoughtful historians and warriors for liberty that preceded them in the vast concourse of history. But that was not enough. It was only through the great assemblage of patriots—deeply devout, dedicated men, dedicated to God and country—that they were able to pen the most nearly perfect legal document that has ever been drafted, the Constitution of the United States.

They had so many questions to answer, so many issues to determine. It was their task to determine whether or not we should have a parliamentary system of government, or a centralized system of government, or a confederated government, or a Federal system in which the rights and sovereignty of the people would be carefully divided between the State and local governments on the one hand and the National Government on the other.

They fortunately chose the latter. They did so after carefully considering, studying, and evaluating the blessings and shortcomings of each system that had theretofore been conceived by the mind of man.

And what was their foremost consideration in implementing this government—in effectuating every detail of its mechanism? Their foremost consideration, Mr. President, was not how much of the sovereign rights of the people they desired to yield. It was not how much of those precious rights they, as individual men, were willing to yield. The sole consideration was how much of those precious rights and that sovereignty which had been won at such cost and sacrifice, they would have to yield in order to establish a stable society that would secure the blessings of liberty to themselves and to their posterity.

Madison's notes clearly point up the jealousy and the great reluctance with which they yielded every power to the Federal Government. The great Madison himself, who has so aptly been honored as the "Father of the Constitution," frequently spoke in protest against the



efforts of some of the delegates to yield to the Federal Government unwarranted powers.

When that magnificent assemblage of patriots wrote the Constitution and drafted the mechanics of our form of government their every consideration, therefore, was not how much power they would give away to the central Government, but rather, how much of the liberty of the people the necessities of time and circumstances demanded that they entrust to this one coordinate branch of our Government.

We recall that two of the foremost patriots of the revolution could not, in all good conscience, affix their signatures to this noble document. Patrick Henry, who sounded the tocsin of war and gave us the battle cry of the revolution, and George Mason, who wrote the Virginia bill of rights which gave birth to our Federal Bill of Rights and to almost every State bill of rights—both these great patriots who had done so much to win our independence from the British Crown, to lift the mantle of despotism from the backs of our people, to win our freedom, opposed the ratification of the Constitution. They felt, as did many of their compatriots, that ratification of the Constitution might mean too great a surrender of sovereignty on the part of the States, that there might have been too much yielding of power and authority to the Federal Government.

I emphasize these facts because the history of the ratification of the Constitution shows clearly that our Federal Government, as we know it, would never have come into existence if the sovereignty of the States and the rights of the people had not been positively recognized in the Constitution itself.

Indeed, there were many who were the special champions of the Constitution who would never have been such champions had they not had the absolute assurance that the Bill of Rights would soon be made a vital, living part of that great document. Jefferson, Madison, Hamilton, and other inspired leaders insisted that the Bill of Rights would shortly be made a part of the Constitution.

Of all the liberties which the Founding Fathers enshrined in the first 10 amendments they specifically designated articles IX and X as the impregnable guardians of the sovereign rights of the States and of the people.

The ninth amendment declares:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

The 10th amendment declares:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Our progenitors of that day insisted that as a condition of their ratification of the Constitution, it should contain the ninth amendment which retained in them absolutely the rights not specifically enumerated as the rights, powers, and authority of the Federal Government.

But they did not stop there. The people went further and demanded that the

10th amendment be included as a part of their basic, legal protection. No language could be stronger, more definitive, more absolute in safeguarding and protecting the rights of the States and of the people from encroachment by the Congress, by the Federal judiciary, or by the executive branch of the Central Government than the 10th amendment.

The 10th amendment has been appropriately described as "saying what it means and meaning what it says."

No one sentence ever penned by the hand of man could be more lucid. Those few simple words rise up out of the book and speak loudly, clearly, intelligently, and unanswerably to all the Nation. They speak one single, cogent thought which no man, in all honesty, can deny. They say that the rights of the States and of the people are to be preserved at all cost. They say that any effort to usurp those rights is greatly to be abhorred, that it is condemned by the Constitution itself and that the conscience of the country would not tolerate any attempt by anyone, directly or indirectly, to change this basic concept of a government of freemen.

Not satisfied with the recommendation to substitute a Federal registrar for State and local registrars, three of the Commissioners go even further and recommend a constitutional amendment which would destroy the rights of the States to set any qualifications for voters, except age and residence requirements. This proposal is set out in the report as follows:

PROPOSAL FOR A CONSTITUTIONAL AMENDMENT  
TO ESTABLISH UNIVERSAL SUFFRAGE

(By Chairman Hannah and Commissioners  
Hesburgh and Johnson)

The Commission's recommendation for temporary Federal registration should, if enacted by Congress, secure the right to vote in the forthcoming national elections for many qualified citizens who would otherwise, because of their race or color, be denied this most fundamental of American civil rights. But the proposed measure is clearly a stopgap.

In its investigations, hearings, and studies the Commission has seen that complex voter qualification laws, including tests of literacy, education, and interpretation, have been used and may readily be used arbitrarily to deny the right to vote to citizens of the United States.

Most denials of the right to vote are in fact accomplished through the discriminatory application and administration of such State laws. The difficulty of proving discrimination in any particular case is considerable. It appears to be impossible to enforce an impartial administration of the literacy tests now in force in some States, for where there is a will to discriminate, these tests provide the way.

Therefore, as the best ultimate solution of the problem of securing and protecting the right to vote, we propose a constitutional amendment to establish a free and universal franchise throughout the United States.

An important aim of this amendment would be to remove the occasion for further direct Federal intervention in the States administration and conduct of elections, by prohibiting complex voting requirements and providing clear, simple, and easily enforceable standards.

The proposed constitutional amendment would give the right to vote to every citizen who meets his State's age and residence requirements and who is not legally confined at the time of registration or election.

Age and residence are objective and simple standards. With only such readily ascertainable standards to be met, the present civil remedies of the Civil Rights Act should prove more effective in any future cases of discriminatory application. A court injunction could require the immediate registration of any person who meets these clear-cut State qualifications.

The proposed amendment is in harmony with the American tradition and with the trend in the whole democratic world. As noted in the beginning of this section of the Commission's report, the growth of American democracy has been marked by a steady expansion of the franchise; first by the abandonment of property qualifications and then by conferral of suffrage upon the two great disfranchised groups, Negroes and women. Only 19 States now require that voters demonstrate their literacy. Michigan, New Hampshire, Pennsylvania, Tennessee, and Vermont have suffered no apparent harm from absence of the common provisions disqualifying mental incompetents. With minor exceptions, mostly involving election offenses, Colorado, Maine, Massachusetts, Michigan, Pennsylvania, Utah, Vermont, and West Virginia have no provisions barring certain ex-convicts from the vote, and of the States which do have such provisions, all but eight also provide for restoration of the former felon's civil rights. In only five States is the payment of a poll tax still a condition upon the suffrage.

The number of Americans disqualified under each of these categories is very small compared with the approximately 90 million now normally qualified to vote. It is also small in relation to the numbers of qualified nonwhite citizens presently being disfranchised by the discriminatory application of these complex laws. The march of education has almost eliminated illiteracy. In a Nation dedicated to the full development of every citizen's human potential, there is no excuse for whatever illiteracy that may remain. Ratification of the proposed amendment would, we believe, provide an additional incentive for its total elimination. Meanwhile, abundant information about political candidates and issues is available to all by way of television and radio.

We believe that the time has come for the United States to take the last of its many steps toward free and universal suffrage. The ratification of this amendment would be a reaffirmation of our faith in the principles upon which this Nation was founded. It would reassure lovers of freedom throughout a world in which hundreds of millions of people, most of them colored, are becoming free and are hesitating between alternative paths of national development.

For all these reasons we propose the following 23d amendment to the Constitution of the United States.

"ARTICLE XXIII

"Section 2

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State or by any person for any cause except inability to meet State age or length-of-residence requirements uniformly applied to all persons within the State, or legal confinement at the time of registration or election. This right to vote shall include the right to register or otherwise qualify to vote, and to have one's vote counted.

"Section 2

"The Congress shall have power to enforce this article by appropriate legislation."

Mr. President, this destructive proposal would permit criminals, incompetents, and others deprived of voting rights by State laws for any reason, to



vote along with all the duly qualified electors.

This proposal would destroy one of the last vestiges of State sovereignty by depriving the people through their State governments of the right to set the qualifications for the electors who choose State and local public officials. I recognize that this outrageous recommendation was made by only three of the Commissioners, but it points up lucidly the dangers that are inherent in a continuation of such an irresponsible public agency. This recommendation alone should foredoom the Commission to expire.

The recommendations in the field of education are equally obnoxious and they appear to represent a preconceived advocacy by certain members of the Commission to force the integration of the races upon the people of the South and of the Nation.

First of all, the Commission requests, not only that the Congress extend its life, but that it be given additional authority by permitting the Commission to serve as a "clearinghouse to collect and make available to States and to local communities information concerning programs and procedures" to integrate the races in the public schools.

The Commission also asks that it be authorized to establish "an advisory and conciliation service" to implement the forced integration of the races in the public schools.

Its findings and recommendations in this regard are as follows:

#### FINDINGS

1. The case of adjustment of a school system to desegregation is influenced by many factors including the relative size and location of the white and Negro population, the extent to which the Negro children are culturally handicapped, segregation practices in other areas of community life, the presence or absence of democratic participation in the planning of the program used or preparation of the community for its acceptance, and the character of the leadership in the community and State.

2. Many factors must be considered and weighed in determining what constitutes a prompt and reasonable start toward full compliance and the means by which and the rate at which desegregation should be accomplished.

3. Desegregation by court order has been notably more difficult than desegregation by voluntary action wherein the method and timing have been locally determined.

4. Many school districts in attempting to evolve a desegregation plan have had no established and qualified source to which to turn for information and advice. Furthermore, many of these districts have been confused and frustrated by apparent inconsistencies in decisions of lower Federal courts.

#### Recommendations Nos. 1(a) and 1(b)

Therefore, the Commission recommends:

1. (a) That the President propose and the Congress enact legislation to authorize the Commission on Civil Rights, if extended, to serve as a clearinghouse to collect and make available to States and to local communities information concerning programs and procedures used by school districts to comply with the Supreme Court mandate either voluntarily or by court order, including data as to the known effects of the programs on the quality of education and the cost thereof.

(b) That the Commission on Civil Rights be authorized to establish an advisory and conciliation service to assist local school officials in developing plans designed to meet constitutional requirements and local conditions; and to mediate and conciliate, upon request, disputes as to proposed plans and their implementation.

Mr. President, the granting to the Commission of the authority to establish "an advisory and conciliation service" in the field of race relations would be but an exercise in futility. If this proposal has as its purpose the mediation of disputes or misunderstandings between persons of the different races, as apparently it does, it fails to recognize the inescapable lesson of history that disputes between man and man, or among members of a community, can voluntarily be resolved not by strangers whose very presence is resented but only by the working out of an accommodation by the persons involved. The creation of such a function for the Commission would be a waste of public funds and would contribute nothing to the betterment of racial relations.

Next, the Commission recommends that the spending of the public moneys be shared by another agency of the Federal Government, the Office of Education of the Department of Health, Education, and Welfare for the purpose of conducting an annual school census which could serve no useful purpose.

Three members of the Commission, as a climax to its recommendations in the field of education, recommend a proposal to require the integration of the races as a condition precedent to the granting of Federal funds to higher education.

They state:

We recommend that Federal agencies \* \* \* be authorized and directed to withhold funds in any form to institutions of higher learning, both publicly supported and privately supported, which refuse, on racial grounds, to admit students otherwise qualified for admission.

The other three members of the Commission absolutely rebut this argument with the statement that "the findings and recommendations," in the field of education are, "to a large extent argumentative and colored by the author's views of the sociological and psychological aspects of the school integration problem."

They further state:

We cannot endorse a program of economic coercion as either a substitute for or a supplement to the direct enforcement of law through the orderly processes of justice, as administered by the courts.

In the field of housing the findings and the recommendations of the Commission are equally to be condemned.

The report written by the staff of the Commission relating to housing is even more drastic and sweeping. It recommends the integration of all federally assisted housing, including housing constructed with the assistance of Federal mortgage insurance or loan guarantees as well as federally aided public housing and urban renewal projects.

This recommendation prompted Vice Chairman Storey and Commissioners Battle and Carlton to denounce such

parts of the report as being keyed to integration rather than housing, and as suggesting a fixed program of mixing the races anywhere and everywhere regardless of the wishes of either race. They further declare that if such suggestions were carried out in full, they will result in delay and in many cases defeat of adequate housing.

These recommendations of the staff are repugnant to the fundamental constitutional and legal concept that Americans should have the freedom to select their own associates. They would be likely to foredoom to failure federally assisted housing programs because they would divert such programs from the primary objective of providing adequate housing for American families to the objective of forcing the mixing of the races as a result of such housing programs.

As Senator ERVIN, the able and distinguished senior Senator from North Carolina, declared in his powerful and masterful address of Saturday night:

When all is said, the report of the Commission leaves me with the abiding conviction that the staff of the Commission is inseparably wedded to the propositions that Americans ought not to have the freedom to select their own associates, and that all possible governmental powers ought to be diverted from their primary functions to that of compelling the involuntary association of the races.

All of the recommendations represent, in my judgment, the personal predilections of certain members of the Commission in favor of forcing the integration of the races on the people of the South and the country. I agree wholeheartedly with the statement of Governor Battle in his final dissent:

I must strongly disagree with the nature and tenor of the report. In my judgment, it is not an impartial, factual statement, such as I believe to have been the intent of Congress, but rather, in large part, an argument in advocacy of preconceived ideas in the field of race relations.

At this time of danger and of decision when we must be united as a Nation, when there is so much that needs to be done, so much good that can be done, so much wrong that must be undone, and so much work that our people demand to be done, it is regrettable that we must digress from high purposes and good works and concentrate our attention and energies on extending the life of a bureaucratic agency which has made such drastic, sweeping, and indefensible proposals.

Let us be done, Senators, with this measure brought here under the pressure of political expediency, which distracts and misguides our people and which separates and divides us. Let us be done with this measure.

Let us stand united, strong, and resolute in our unity. Let us support squarely the rights of the people of the United States and the rights of the States of the United States that our Government may be preserved. Let us stand squarely upon the Constitution of the United States—rock of freedom, ageless and enduring foundation of our rights, our hopes, and our democratic faith.



Mr. EASTLAND. Mr. President, I am opposed to the suspension of the rules for the purpose of legislating an extension of the life of the Civil Rights Commission on the mutual security appropriation bill. I am opposed to the extension of the life of the Civil Rights Commission by legislation in any manner, form or character. I am opposed to the appropriation of even one thin dime of public funds to finance any further activity on the part of this Commission. Its life should not only be terminated but the corpse should also be buried very deep. When a creature of this Congress places before us recommendations and proposals which, if adopted, would completely transform and destroy our established systems of government in this country, from the smallest of our local communities through the cities, counties, and States and on into Federal framework, it is time for serious thought, consideration and action. The first action should and must be the immediate demise of the Commission.

Mr. President, I do not know who wrote the text of the 668-page report that the Commission sent to Congress. After scanning the manuscript, I turned to the acknowledgments to see if Gunnar Myrdal, the Swedish social engineer, had been retained as a consultant or given any credit for assisting on the project. His name did not appear. I then turned to the selected bibliography to see if the name Gunnar Myrdal or his book "An American Dilemma" were mentioned or noticed. They were not. My conclusion is that the U.S. Supreme Court has more courage than did the Civil Rights Commission. The Court at least admitted that its integration decision was based on the alleged modern scientific authorities in the fields of sociology, anthropology, and psychology such as Myrdal and his ilk. The Civil Rights Commission, both in the fields of constitutional interpretation and the pseudo sciences, needs no authorities other than the facile minds of the Commission staff.

Congress created the Civil Rights Commission as a factfinding body. I see nothing in the Civil Rights Act of 1957 that either directs or authorizes the Commission to concern itself with the legal assignment of interpreting or reinterpreting the Constitution of the United States and the history of judicial decisions of this country. I see nothing in the act that either authorized or directed the Commission to write a new and revised history of the United States. Both of these tasks, and many others, have been performed by the Commission with vengeance. They so drip with bias, prejudice, animosity, and even downright hatred toward the South and southern people that imagination itself is staggered.

In the 1957 hearings before the Senate Judiciary Subcommittee on the Civil Rights Act, Attorney General Brownell was asked by Senator HENNINGS to give the committee a little bit of his philosophy about the proposed Commission. Senator HENNINGS asked the Attorney General further:

You have read everything from the Gunnar Myrdal survey, "An American Dilemma,"

in two volumes. Myrdal is the well-known Swedish sociologist.

You have read the Gunnar Myrdal survey, I am sure.

Now here we have the report of the President's Committee on Civil Rights. It is dated Washington 1947, and of course as you repeat with much better phraseology than I can devise or use or come by, by any means "the American heritage comes from freedom and equality."

All these things are fine, but don't we all know—you are familiar with this volume, are you not, Mr. Attorney General?

Mr. BROWNELL. Yes, I am.

Senator HENNINGS. I would like to inquire as to just what such a commission would do.

We have seen these commissions come and go to the point where learned men sit around tables every now and then when they can get themselves together and hire somebody to make a report and they make a report and that is put away in the archives.

Don't you think what we need is legislation?

Don't we need action rather than another study?

What are we going to study, Mr. Attorney General, if I may inquire?

Mr. BROWNELL. I think the difference between a study like the Myrdal study and what we have in mind here is that that is really a collection of opinions. What we would really like to have for the benefit of our work would be a factual study where testimony could be taken under oath from people as to any patterns or practices which exist in any area of discriminations based on color, religion—

Senator HENNINGS. But if we have all the legislation we should have, do we need to have any more testimony taken under oath?

Mr. BROWNELL. I think we would probably find, it would be my hope and in fact my belief, that a bipartisan commission of this kind with authority to subpoena witnesses and study the facts would be able to bring back sworn specific testimony which would not only be of benefit to us in the area of law enforcement, but would be of vital benefit to the Congress in determining the need for additional legislation.

Mr. President, if legislative history has any meaning or purpose, the Attorney General has herein stated the exact heart of what he and President Eisenhower intended for the legislation to authorize the Commission to do. The result of the Commission's study has achieved the exact opposite purpose from that which was intended. The Commission, insofar as the report is concerned, is damned in the words of one of the six Commissioners. Commissioner Battle says:

In my judgment it [the report] is not an impartial factual statement, such as I believe to have been the intent of Congress, but rather, in large part, an argument in advocacy of preconceived ideas in the field of race relations.

Part 1 of the report is entitled "Constitutional Background of Civil Rights." Chapter I is styled "The Spirit of Our Laws." The very first noun employed departs so far from the field of fact that we enter the realm of metaphysics. Just what does this word "spirit" mean, Mr. President? Here is what Webster says:

1. The breath of life; life, or the life principle, conceived as a kind of vapor animating the body, or, in man, mediating between body and soul.

2. The life principle viewed as the "breath" or gift of deity; hence, the agent of vital and conscious functions in man; the soul.

3. In the abstract, life or consciousness viewed as an independent type of existence.

4. One manifestation of the divine nature; the Holy Spirit.

5. Any supernatural being, esp. one able to possess a person, an apparition; a specter; also, sometimes a sprite; elf.

Mr. President, I do not know what connotation the Commission desired to place on the word "spirit." But regardless of the application of the word "spirit" to our laws, I am at a loss to see what possible purpose it can have with a fact-finding survey. Then, too, when they speak of our "laws" they are obviously referring to our basic charter—the U.S. Constitution. So by transposition we start the report with "The Spirit of the Constitution." While the Commissioners and Myrdal arrive finally at the same conclusions as to race mixing, at least three of the Commissioners violently disagree with Myrdal on constitutional interpretation.

Myrdal charged that the Constitution of the United States was "impractical and unsuited to modern conditions" and its adoption was "nearly a plot against the common people." Commissioners Hannah, Hesburgh, and Johnson reverse Myrdal and predicate the entire report on the amazing assertion that the right to vote and the right of all persons to equal protection of the laws are implied in the original Constitution itself. Instead of my replying to this fantastic predicate and assertion, I now offer as my witnesses, Commissioners Storey, Battle, and Carlton. They say in a footnote on page 1, titled "Exception to the Statement of the Constitutional Background of Civil Rights," that—

We take exception to this and all succeeding passages to the effect that a provision on the equal protection of the laws properly may be implied in the original Constitution itself. Such assertions ignore historical fact and disregard the development of constitutional law pertinent to recognition of the human dignity of the individual in our democratic society.

There then follows a seven-point analysis of their position.

Mr. President, as amazing as it may sound coming from me, I say with confidence that even the presently constituted U.S. Supreme Court will agree with Commissioners Storey, Battle, and Carlton. And the most puzzling point to me in this whole business is this: Why, when a six-man Commission is split 3 to 3, do three of the Commissioners have their constitutional opinions taken as the Holy Writ and placed in the body of the text of the report while the other three are relegated to the small print of the footnote? I do not know the answer to this question, but I do know this—every single recommendation and proposal which this Commission has made to Congress is squarely based on this fundamental and false interpretation or opinion as to the meaning of the U.S. Constitution. Further, in order to sustain this premise the Commission was forced to declare the U.S. Supreme Court unconstitutional in a line of decisions stretching from the infancy of the Republic to the present.

Mr. President, in 1957 the then Attorney General, Mr. Brownell, declared that the Commission's study should be objec-



tive and free from partisanship, broad and at the same time thorough, and that such a study, if fairly conducted, would tend to unite responsible people in a common effort to solve these problems. If that solemn objective had been followed by the Commission and reflected in its report, there would be few who could quarrel with that basic approach.

I am sure that every well-intentioned Member of Congress who voted in 1957 to create this Commission expected such aims to be carried out and reflected in any report submitted by this body to the Congress. Unfortunately, this is not the case. I challenge any fair-minded person who has made a careful study of the report and recommendations to say that the report is objective, free from partisanship, broad, or thorough. It is not objective. There runs through the 668-page dissertation the utopian theme that the world owes everyone a living, irrespective of one's ability, intellectual capacity, or ambition. The premise appears to be that the Government is to be an absolute insurer of everyone's well-being.

The lack of objectivity is apparent from the very first page of the report, whereby the Commission arrogated to itself its own definition of what Congress intended by creating that body.

The report states that its first concern is with the right of citizens to vote and the right of all persons to equal protection of the laws. Certainly, the Congress was concerned with the right to vote, but, as the Commission failed to state, it is the right of qualified citizens as declared by the Constitution and the laws of the sovereign States. The report starts out on the lofty note of the right of all citizens, ignoring the plain delegation of section 2, of article I of the Constitution, that the States themselves shall determine the qualifications of its voters. From this untenable premise the report runs the gamut of the Declaration of Independence, the Constitution, the Bill of Rights, the Supreme Court decisions, Patrick Henry and DeTocqueville. From this collection of authorities are selected only those ideas and statements that lend assistance and fortification to the basic theme that this is to be a new pattern for life in America declared by this Commission to be superimposed over all our citizens.

If this is the objective, it has achieved one purpose, in that it will tend to unite those who firmly believe that this Nation can only exist so long as our form of government, as we have known it, is based upon the idea that the National Government exercises those powers granted to it by the Constitution and all other powers reserved to the individual States.

The framers of this report, by attempting to impress a new ideology, have brought into sharp focus the basic difference between those who believe that all powers should vest in the Central Government and those who believe, on the other hand, as the framers of the Constitution wrote into that document, that the States should have coequal authority with the Federal Government.

Those who prepared the report ignored the plain mandate of the Congress that the primary duty and function of the Commission was to gather facts. Those who participated in the actual drafting of the report either did not care or did not wish to take the trouble of reading the hearings on the nominations of the Commissioners themselves, who stated under questioning that the act itself called for a factfinding body and not a vehicle created to disseminate ideas alien to our American way of life.

Recommendation No. 5 of the Commission, providing for the Federal voting registrars, is thoroughly unconstitutional and would constitute a violation of article I, section 2, clause 1, and section 3, clause 1, of the Constitution, as amended by the 17th amendment, in that the Federal Government, through registrars, Federal officials, would be taking over from State officials and contrary to State law the determination of who were and were not qualified electors in that State for members of the most numerous branch of the legislature of each State.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. RUSSELL. I point out to the distinguished Senator from Mississippi that that is the only language in the Constitution of the United States which appears in two places in identically the same words. It appears where the Senator has stated, in section 2 of article I; and in the 17th amendment, providing for the popular election of Senators, the identical language appears again.

There are those who like to contend that the 15th amendment somehow was a restriction upon section 2 of article I of the Constitution. That, of course, cannot be true since the 17th amendment, which was ratified some years after the 15th amendment, repeated the earlier language of the Founding Fathers in article I and is the latest expressed of the will of the people in the writing of their Constitution.

Mr. EASTLAND. The distinguished Senator from Georgia is certainly correct. It goes to the qualifications of the members of the Commission, who are recommending to Congress that we destroy the basic charter of our liberties—our Constitution.

The determination of who possesses the qualifications required of qualified electors in each State is part and parcel of the qualifications of those electors. One cannot become a qualified elector in a State and entitled to vote for the Members of its most numerous branch of the legislature without having evidenced his qualifications in accord with State law.

This recommendation would destroy this and other features of the electoral processes in each State. The persons qualified to vote for Senators and Representatives are by the said section of the Constitution asserted by it to be those who are qualified to vote for the members of the most numerous branch of the State legislature. This recommendation makes the Federal Government the arbiter of who is and who is

not qualified to be and become a member of the legislature of each of the States, because members of the legislature of each State must be qualified electors in and of that State.

If as many as nine persons in a district, county, parish, or other political subdivision of a State make oath that they believe each is qualified under the law of the State of their residence to be electors but have been denied the right to register because of their race, color, religion, or national origin and deliver these affidavits to the President of the United States, he is then required, without any discretion on his part, to refer those affidavits to the Civil Rights Commission. Upon receipt of them by the Commission, it is required mandatorily to investigate the allegations of the affidavits and if they find that the allegations of any affidavits are well founded, they shall then certify such affidavits with their findings, to the President, and to such temporary registrar as he may designate.

Upon receipt of such certificate and the affidavit so certified to him, the President is mandatorily required, with no discretion on his part, to then appoint any Federal officer or employee in the area from which such complaints are received, as a temporary registrar. Such registrar shall then take over and administer the State qualification laws and determine who are and who are not qualified electors under the State laws and determine who are, and who are not, qualified to register under the State law. Those found to be qualified he will register. Such registrar shall then certify to the State authorities the names of the persons he has registered. Such registrar shall issue a certificate to all persons registered by him and such certification shall permit all such registrants to participate in Federal elections mentioned in the act, being all primary, general, and special elections for the election of presidential electors, Senators, and Representatives. Such registrar shall remain in office and discharge his function as long as the President in his discretion thinks the registrar should remain in power.

The criterion adopted by this recommendation by which all State laws and officers may be displaced in the determination of who is qualified to register and vote is as ridiculous as it is invalid. Under it all State control over the registration and the determination of who are qualified electors eligible to vote for the members of the most numerous branch of the State legislature and thusly to vote for Senators and Representatives, is not who is in fact qualified to register and who is in fact qualified to vote, but on the other hand, is whether as many as nine persons believe that they are qualified electors and believe that they have been denied the right to register because of race, color, religion, or national origin. There is no certainty and no objectivity whatever in the test of an individual belief. What an intelligent man may believe may perplex an ignorant man. What an ignorant man may believe may be immediately rejected by an intelligent man. What a man may believe who has no



real knowledge or understanding of the State law requirements of registration certainly would not be the same belief there as to which which be entertained by a person who did understand the State law requirements. What one person may believe would constitute a denial of the right to register because of race, color, religion, or national origin, may or may not be what another person would believe upon the same facts. In this connection I have read many cases wherein people of both races have believed in their own mind that they were discriminated against because of race or color but both Federal and State courts disagreed with them when the facts were disclosed.

The criteria here permit every man in his own mind to be both the judge and the jury. How can any person say what another believes? I can think of many instances in which I could say that a person's belief in a certain thing was well founded—but at the same time, on the same facts, I would know that his belief, however sincere or insincere it may be, was erroneous and incorrect.

This recommendation shows the extent to which its advocates are willing to go in order to satisfy certain pressure groups in this Nation and to destroy the basic principles of this Government in the Federal and State relationships, and actually the provisions of the Constitution of the United States.

This recommendation usurps all power and authority under the franchise and election processes now vested in the State and Federal judiciary. The enactment of this recommendation would prevent any court, Federal or State, from dealing with or passing upon any question in connection with the franchise and the electoral processes in the election of the officers specified. It is conclusive evidence that the Civil Rights Commission wishes to actually control the most vital features of the Federal and State Governments. The Commission under this provision would be the most powerful agency in the U.S. Government. The States and the President would be subservient to its findings.

Actually, in addition to the foregoing, the recommendation is totally without any of the safeguards required by the rules of due process of law, and therefore it is invalid and unconstitutional. Presidential electors are officers of each State, and, as such, the qualifications of the persons who register and vote for them are vested exclusively in each State.

No provision in the Constitution of the United States or no amendment thereto in any way authorizes Congress to legislate with reference to religion, or national origin, in connection with the franchise or voting; and, therefore, Congress would have no right so to do.

This recommendation is, I say, squarely held to be unconstitutional by the decisions of the Supreme Court of the United States, in *McPherson v. Blacker*, 146 U.S. 1, 36 L. ed., 869; *Minor v. Happersett*, 88 U.S. 162, 22 L. ed. 627; *U.S. v. Cruikshank*, 92 U.S. 942, 23 L. ed. 588; *Breed Love v. Suttles*, 302 U.S. 276, 82 L. ed. 252; *In re Green*, 134

U.S. 337, 33 L. ed. 951; *Walker v. U.S.*, 93 Fed. 2nd, 383; *U.S. v. Classic*, 313, U.S. 298, 85 L. ed. 1368.

From the outset it is apparent that the Commission ignored the mandate of Congress to study facts and report those facts. To the contrary, it is attempting to interpret the Constitution and our judicial decisions in accordance with its own views, not of what the law is, but of what the Commission thinks the law should be.

Commissioner Battle very forthrightly stated his disagreement with the nature and tenor of the report. I concur in his criticism that this report is not an impartial, factual statement, but rather, is an argument in advocacy of preconceived ideas in the field of race relations.

For the life of me, I cannot understand how members of this Commission, fully cognizant of the duties placed upon them by the Congress in this important field, could so blithely ignore the plain meaning of the Constitution, in the various recommendations and conclusions set out in this report. To justify its recommendations, the Commission makes a strained interpretation of the Constitution and interprets Supreme Court opinions to suit its own purposes.

The report, in dealing with voting, and the recommendations based on the Commission's study, reveal just how far its framers seek to go in making the National Government supreme in the voting field, to the utter exclusion of the States. Chapter IX on voting makes the statement that few Americans would deny, at least in theory, the right of all qualified citizens to vote, but then qualifies that statement by stating that a significant number differ as to which citizens are qualified, and then observes that the goal of universal adult suffrage has not yet been achieved in this country.

It is obvious that recommendations on voting, which have the endorsement of Commissioners Hannah, Storey, and Hesburgh, cavalierly disregard the fact that, throughout our history, regulation of voting has been traditionally and appropriately a function of the States, and that the intrusion of the Federal Government into the regulation of voting has been generally considered unconstitutional, except in the instances precisely defined in the 14th and 15th amendments.

These voting recommendations, which attempt to confer universal suffrage by taking from the States their traditional and constitutional right to determine the qualifications of their own voters, fly squarely in the face of the consistent holdings of the Supreme Court that the States alone are to determine the qualifications of their voters. Disregarded is the declaration of the Supreme Court in *Minor v. Happersett*, 88 U.S. 162, page 170, wherein the Court said:

Certainly, if the courts can consider any question settled, this is one. For nearly 90 years the people have acted upon the idea that the Constitution, when it conferred citizenship, did not necessarily confer the right of suffrage. If uniform practice long con-

tinued can settle the construction of so important an instrument as the Constitution of the United States confessedly is, most certainly it has been done here. Our province is to decide what the law is, not to declare what it should be.

Ignored are the words of our highest Court in *Breedlove v. Suttles*, 302 U.S. 277, page 238, wherein the Court said:

Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate.

Commissioners Storey, Carlton, and Battle oppose the recommendation for a constitutional amendment which would take from the States the power to fix the qualifications of their voters. They do so because such a proposal would alter the longstanding Federal-State relationship, and should not be proposed in the absence of clear proof that no other action will correct an existing evil; and they conclude that no such proof is apparent.

The attempt to foist this proposal of universal suffrage in the guise of a "re-affirmation of the faith in the principles upon which this Nation was founded" demonstrates the clever way that the writers of the report distort our constitutional principles. No greater principle has been observed over the past 150 years—and this principle was in effect long before our Constitution was drafted—than the principle that the States, themselves, are to determine the qualifications of voters. Yet, three of the Commissioners state that universal suffrage, as determined by the Federal Government, is a principle upon which the Nation was founded. Nothing could be farther from the truth. Article I, section 2, of the Constitution would thus be nullified by the Commissioners who espouse such action.

This proposal of universal suffrage is advocated by Commissioners Hannah, Hesburgh, and Johnson as "in harmony with the American tradition and with the trend in the whole democratic world." I thoroughly disagree that such a proposal is in harmony with our American tradition. If these gentlemen are seeking to march the United States down the road to totalitarian government, this report is an apt vehicle to carry out their purpose.

Mr. President, it is fairly evident that those who framed this report are seeking to accomplish and bring about total and complete integration, mixing, and amalgamation of the races in this Nation. This aim is demonstrated very clearly in the recommendations in regard to the fields of education and housing.

Among other things, Commissioners Hannah, Hesburgh, and Johnson would have the Federal Government withhold Federal funds, not only from public educational institutions of higher learning, but also from private and religious institutions of higher learning, who refuse to integrate and mix the races. Commissioner Johnson went even further, and recommended that this policy be extended to the elementary and secondary schools.



The sum and substance of this proposal to cut off all public funds from any schools which deny admission on the grounds of race is that this proposal strikes right at the heart of our educational system as it has existed in this country. It strikes in two ways: First, it disrupts the heretofore autonomous authority of local agencies over the conduct of its own school systems; and, second, it strikes a blow at schools which need the grants for these special programs of education, which would not be possible without aid from the Federal Government. This effort to exert economic pressure to compel integration in not only public but private schools will inevitably destroy our school system in America, if carried out. This proposal is certainly alien to our thinking, and is absolutely contrary to the history and development of our educational system, as it exists today. This proposal, if carried out, will run counter to what the Commission states in its own report is necessary if the American system of public education is to be preserved without impairment. Certainly the denial of public funds to educational institutions will irreparably harm programs which could not be sustained except for these Federal grants. Our public school system in America has been the great factor in the dominance of America over other Nations in the world. Any diminution of our educational system, therefore, will weaken our power in world affairs. The further step now advanced, and directed toward one section of the country and its educational system, can only create chaos.

I feel that all serious-minded Americans who are concerned with the necessity of higher education for our children will oppose any plan which has for its purpose the forcing of State and local educational systems to bow to the will of the Centralized Government. The past few years have amply demonstrated the feelings of the States and local communities about legislative proposals whereby control over education would be taken from local authorities and would be placed in the Federal Government. This proposal will engender the same animosity, in that what is here proposed is coercion from the Federal Government over the States and local educational bodies by forcing those institutions and school boards to compel integration or else to suffer the loss of needed Federal grants.

This proposal was opposed by Commissioners Storey, Battle, and Carlton. Their opposition, in my opinion, was based on very strong grounds. They stated that they could not endorse a program which would undermine the preservation and improvement of our educational system. These Commissioners very cogently observed that this serious and social problem of integration in the public schools cannot be solved by hasty or precipitous action, but must have the careful and sympathetic consideration of all, and that due regard must be given to the way of life of large numbers of loyal Americans.

Commissioners Storey, Battle, and Carlton further opposed this idea of

denying public funds as a program of economic coercion, as a substitute for, or a supplement to, direct enforcement of law through the orderly processes of justice, as administered by the courts. In view of the fact that problems of equal protection pertaining to education fall within the purview of the 14th amendment, an area long since preempted by the courts, they cannot support this proposal.

I submit that such a proposal as the one here espoused in the report could more be expected to be raised in a totalitarian state rather than here in America.

The use of economic pressure, no matter for what purpose, has long been condemned as distasteful to our form of government. Yet, in the report we are being told that schools must either integrate or must be cut off from Federal funds. If this proposal were to be adopted, the cause of education would be set back 100 years.

Mr. President, the housing recommendations of the Commission constitute a blueprint for forced integration in America. In substance, the report declares that the Federal Government should insure, in its public housing program, that that program will continue to aid only low-income families in America, if integration of the races takes place. In other words, Congress must cease to disburse public funds in the housing field, unless integration takes place.

While these housing recommendations have the concurrence of all members of the Commission, Commissioners Storey, Battle, and Carlton depart from their fellow brethren on the Commission and make it readily apparent that they cannot subscribe to the philosophy that the Government owes everyone a house. I think that their supplementary statement on the housing recommendations is worthy of being noted at this point:

We yield to no one in our good will and anxiety for equal justice to all races, in the field of housing as elsewhere. A good home should be the goal of everyone regardless of color, and the Government should aid in providing housing in keeping with the means and ambitions of the people. Government aid is important where public improvements have displaced people and where slums become a liability to the community. This does not mean, however, that the Government owes everyone a house regardless of his ambition, industry, or will to provide for himself. When generosity takes away self-reliance or the determination of one to improve his own lot, it ceases to be a blessing. We should help, but not pamper. But there remains a financial limit beyond which the Government cannot go.

The recommendations on housing and education put forth by the Commission clearly disclose a pattern that is proposed by the Commission to be superimposed over our present way of life. The objective sought to be accomplished is integration of the races. It is to be carried out through economic pressures exerted by the Federal Government. The report proposes that the Federal Government deny to its own citizens, in the respective States, funds for housing and educational grants, unless integration of the races takes place.

I submit that these proposals advocated in this Commission report go far afield, and extend far beyond, the authority delegated by the Congress to this Commission, under the Civil Rights Act of 1957. Rather than being a statement of facts presented to the Congress, the report is an ideological and social discussion in the field of race relations. This is a far cry from the then Attorney General Brownell's statement that the Commission was necessary in order to make a study to bring out the facts and to unite responsible people of good will in a common effort to solve these problems.

Mr. President, the report of the Civil Rights Commission categorically condemns the governments of the sovereign States of the South and the elected officials, representatives, and appointees therein. They charge that these officials, representatives, and appointees have acted arbitrarily, capriciously, and without legal cause or justification in an alleged denial of voting rights to certain individuals within the States. They propose to turn over to Federal officials the business of registering voters under State law, and to let the Postmaster tell the county registrar or election board who can or who cannot vote. The Commission reasons that, since no one yet has been registered through civil remedies under the Civil Rights Act of 1957, the Federal district courts are ineffective for this purpose. Then, too, the Commission charges that lawsuits have rarely been successful, courts act too slowly, and litigation often proves fruitless. The simple solution the Commission proposes is to bypass the courts and extend the life of the Commission, and then the Commission will register the qualified voters.

At page 61 of the report, Jefferson Davis County, Miss., is referred to as being 55 percent Negro, with an alleged 3,923 Negroes of voting age, and 1,038 registered. The report states:

Most of the sworn complaints were filed by Negroes who were registered voters until 1956, when their names were removed from the registration books.

The Commission does not state, and the report does not mention at any place, top, side, or bottom, that under the Civil Rights Act of 1957, a suit was filed by Negro residents of Jefferson Davis County. Nowhere in the Commission report do I find mention of the fact that a three-judge constitutional court, after full and complete hearings, found both for an individual plaintiff and for a class that there was no discrimination against Negroes, as such, in being denied the right to vote in Mississippi.

Clarence Mitchell, of the NAACP, in testifying in 1957 before the House Judiciary Subcommittee on Civil Rights, offered, as part of his testimony, what he called specific examples of persons denied the right to vote in Mississippi. One of these examples was an affidavit submitted by one H. D. Darby, which says:

*To Whom It May Concern:*

I, Rev. H. D. Darby of Post Office Box 116, Prentiss, Miss., did on the 29th day of June 1956 go to the Jefferson Davis County court-



house and the office of the circuit clerk for the purpose of restoring my name to the roll of registered voters. After having filled out the required form for registering, I presented it to the circuit clerk, who looked at the form and promptly said, "I have to turn you down."

I had been given the 123 section of the Mississippi constitution to interpret to the satisfaction of the circuit clerk.

I had been a qualified elector for 4 years before the county supervisors called for a re-registration under the State's new constitutional amendment.

I hereby affirm that the above statement is true.

Rev. H. D. DARBY.

[SEAL]

MARGARET A. LEWIS,

Notary.

My commission expires April 10, 1958.

Please note particularly the polished and correct language that is utilized in this affidavit. On the basis of the evidence which I will submit, I charge categorically that the affidavit was not prepared by Darby. The NAACP simply had him sign it.

The complete story can best be understood from an examination of the long and comprehensive opinion in the case of H. D. Darby, on behalf of himself and others similarly situated, against James Daniel, circuit clerk of Jefferson Davis County, Miss., and Joe T. Patterson, attorney general of the State of Mississippi. The case was brought in the U.S. District Court for the Southern District of Mississippi. It was heard by a three-judge constitutional panel. The others similarly situated involved individuals who were also used as examples by Clarence Mitchell in his NAACP testimony before the House Judiciary Subcommittee in 1957.

The suit sought an injunction under the Civil Rights Act of 1957, and other pertinent statutes. The opinion states that the gravamen of the plaintiff's complaint is that he and other Negro citizens have been denied the right to register in order that they might vote, solely because of their race and color, through the enforcement of a policy of discrimination against Negro voters, the enforcement of unconstitutional voting requirements and the discriminatory administration of valid requirements.

Prior to January 1, 1954, plaintiff Darby was a qualified elector in Jefferson Davis County and exercised his right to vote in various elections between 1950 and 1955. In February 1956, the board of supervisors of Jefferson Davis County ordered a new registration. Darby presented himself before defendant Daniel in June 1956, was given a questionnaire, then completed part of the written examination, signed his name and left.

The opinion states:

He (the plaintiff) had consulted the attorney now representing him and had written a letter of complaint to the President of the United States some weeks before that, which resulted in an investigation of defendant Daniel being made by the Federal Bureau of Investigation. About October 1, 1956, defendant Daniel received a letter from the U.S. attorney in Jackson, Miss., requesting that Daniel come to his office for conference. He responded to the request, going in company with the county attorney to the office of the U.S. attorney. There he was ad-

vised that the Department of Justice took the position that persons who, like plaintiff Darby, had been registered prior to January 1, 1954, were required to take only the oral examination covering the qualifications as set forth in the original section 244 of article 12 of the Mississippi constitution. Daniel left the U.S. attorney and went to the attorney general of Mississippi, who advised him in writing October 12, 1956, that no person registered prior to January 1, 1954 was required to take the written examination provided by the amendment. Thereafter, Daniel pursued the policy of giving all applicants of Darby's class the option to take the oral examination provided by the original section or the written examination provided by the amendment.

Notice here that from the outset the U.S. attorney was advising Darby, the Department of Justice was advising Darby what to do and what not to do, and the FBI was investigating defendant Daniel and the operation of his office.

The question of a written or oral examination was resolved by Darby being given an oral examination. He failed. He again presented himself for an oral examination and again failed. According to the opinion:

A short time thereafter the FBI made a further examination into Daniel's operation of his office in which Daniel explained freely what happened.

Next, Darby came back and asked that he be given the written examination. It was given to him on forms furnished to Daniel by the State officials, and again Daniel ruled he had not qualified for registration.

Mr. President, at this time I do not propose to review the constitutional and statutory provisions of Mississippi law which are involved in this controversy. They are fully covered in the opinion, for which I now ask unanimous consent to have inserted in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(See exhibit 1.)

Mr. EASTLAND. Mr. President, it is sufficient for my present purpose to only say that Darby attempted in every way to qualify and was denied by the application of the law. The important thing is what the Court actually found in regard to Darby's capacity and ability to meet the standards for voter registration. Here is the finding and opinion of the Court:

According to the testimony of his attorney, Plaintiff Darby approached him in April or May 1956, about the time he wrote to President Eisenhower. The attorney called the NAACP, which, sometime later, agreed that its legal fund would pay the attorneys and the expense of any litigation which might be brought by Reverend Darby.

This was before his first written application of June 29, 1956, in which he stated that he was a farmer. The application was signed by him but was not filled in. It is not claimed that, in this application or the oral tests which came after it, plaintiff Darby showed himself qualified to register. The entire case is predicated on the sworn written application of June 22, 1957, which he took under his attorney's advice and direction. This document, read in the light of the testimony of Plaintiff Darby, reveals several deficiencies.

He made no answer to question 14 inquiring if he had ever been convicted of the crimes enumerated in the question; considerable portions of the answers written by plaintiff are illegible. In response to question 18 calling upon him to copy section 123 of the Constitution of Mississippi,<sup>1</sup> he wrote six lines not called for by the question and not possessing marked coherence. In giving his reasonable interpretation of that section he wrote, "the Govenner govends all the works of the state and he is to see that all the voillatores be punished and als he can pardon out the penetenter ane pherson." In answering question 20 which directed him to write his understanding of the duties and obligations of citizenship under a constitutional form of government, he wrote five lines which could hardly be called accurate or responsive to the question.<sup>2</sup>

The Court found as a fact that Darby did not compose and write the letter of protest to the President. I now ask you to find with me, in view of the Court's finding as to Darby's degree of literacy, that he did not compose and write the affidavit previously quoted from the House hearings. Please note also that the Court found that defendant Daniel, while dealing with Darby, knew that he was under constant surveillance by Federal officials and that he was dealing with a party who was acting under advice of counsel.

As to other Negro witnesses who were called as having been denied the right to register and vote, the Court said:

Plaintiffs served subpoenas on 25 Negro witnesses, of whom 15 were placed upon the stand. Despite the principles last above quoted and such cases as *Reddix v. Lucky* (5 Cir., 1958) 252 F. 2d 930, 938, holding that "obviously the right of each voter depends upon the action taken with respect to his own case," we permitted this testimony to be introduced over objection to give plaintiffs a chance to show that there was a class whose rights they might carry if they established their own case, and also that the testimony might be considered as furnishing circumstantial evidence of discrimination in favor of the case of plaintiffs. Although some of the written applications exhibited in connection with the testimony of these witnesses were sufficient to raise an issue of fact as to their qualifications, it is not our providence to set ourselves up as registrar of voters.

Some of the testimony certainly demonstrated the absence of qualifications of the applicants. For example, when called upon by question 18 to copy section 198 of the Mississippi Constitution, Johnnie B. Darby, Plaintiff Darby's wife, wrote: "I have so agreed to be as good a citizen as I possibly can I have not yet read the Constitution of Mississippi I do try to abide by truth and right as the Almighty God provide the understanding and wisdom."

Another witness called upon to copy section 16 of the constitution<sup>3</sup> wrote: "Ex post facto laws or laws impairing obligations contrace St. Shall Be passed." Interpreting that section this same witness wrote: "a man must pay pold tax before he eagable to voat." This witness gave his occupation as that of teacher.

None of these witnesses took appeals from

<sup>1</sup> The Governor shall see that the laws are faithfully executed.

<sup>2</sup> A citizen is persn has in been in the U.S.A. all his days, and is not been convicted of enny crimes and has been loyal, to his country and pase all his tax.

<sup>3</sup> Ex post facto laws, or laws impairing the obligation of contracts, shall not be passed.



Daniel's ruling declining to permit them to register. Four of the fifteen passed the written examination, and of those who failed, the wives of two passed. He gave the test to some of the witnesses as many as four times and he invited plaintiff Dillon to come back and try again. The testimony of these witnesses adds little to the solution of the problem before us.

Then the Court said:

The essence of the action before us, therefore, is discrimination on the part of the defendant Daniel—discrimination against plaintiffs, Negroes, and in favor of white persons. After listening to the oral testimony and examining the documents carefully we are unable to find any tangible or credible proof of discrimination. There is no proof that any white person was ever treated in any manner more favorably than plaintiffs or any other Negroes. The mere showing that of 3,000 qualified voters in Jefferson Davis County only 40 to 50 are Negroes is not sufficient. Plaintiffs carry the burden of showing that plaintiffs have been denied the right to register because they are Negroes, and that white people similarly situated have been permitted to register. This record contains no such proof. The disparity between numbers of registrants, as has been so often pointed out, results doubtless from the fact that one race had a start of several centuries over the other in the slow and laborious struggle toward literacy. This record does not, in our opinion, show that defendant has practiced discrimination. From our observation of his demeanor during the trial and while on the witness stand and of the evidence generally we are convinced that he has shown himself to be a conscientious, patient, and fair public official, exerting every effort to do a hard job in an honorable way.

As to the constitutional principles involved in the Darby case, the Court held:

We are importuned to rule without proof that, on its face or by reason of its unrevealed sinister purpose, the constitutional amendment is void. The showing before us wholly fails to warrant serious consideration of so condemning a whole people, which is what we would have to do if we accepted plaintiffs' argument. Neither proof nor judicial knowledge tend to sustain plaintiffs' position.

Even if we had such knowledge by some sort of occult power of divination, we would not have the competence to do what plaintiffs advocate. No case is cited as a precedent for such action, and no proof is offered to sustain it. If we should imagine ourselves possessed of such omniscience and omnipotence, we would find ourselves confronted by a vast array of authority which forbids questioning the motives even of a legislature, certainly of a sovereign people.

(b) Commenting upon the immunity of State legislators from having their motives scrutinized, Judge Learned Hand exclaims: "But of all conceivable issues this would be the most completely 'political,' and no court would undertake it." He also quotes Chief Justice Taney's statement in *The License Cases*, 5 How. 504, 583: "Upon that question the object and motive of the States are of no importance, and cannot influence the decision. It is a question of power." Mr. Justice Douglas, in *Fernandez v. Wiener*, 326 U.S. 340, quoted the language of Chief Justice Stone in *Sonzinsky v. United States*, 1937, 300 U.S. 506, 513: "Inquiry into the hidden motives which may move Congress to exercise a power constitutionally conferred upon it is beyond the competency of the courts." Upon a principle so unquestionable it is sufficient to add to the cases already cited a list of more recent decisions affirming it.

We hold, therefore, that plaintiffs have wholly failed to establish that the amendment to section 244 of the Mississippi constitution of 1890 is void on its face or because it was the product of base motives. We hold, on the other hand, that said amendment and the statutes passed in connection with it are valid on their face and, in fact, and are a legitimate exercise by the State of its sovereign right to prescribe and enforce the qualification of voters.

Finally, and most significant, no appeal was taken from the decision of this three-judge constitutional court to the U.S. Supreme Court. It is final—it is complete. Mississippi's constitution and statutes in regard to registration and voting requirements meet the demands of the U.S. Constitution.

Mr. President, it was always my understanding in the operation of our system of government, both State and Federal, that the courts were the final arbiters in interpreting the respective constitutions, laws, and statutes adopted by the several legislatures and the U.S. Congress. We now find a Commission arrogating unto itself the power and right to overrule the solemn judgments of courts. The Commission denies the court's conclusion that the Mississippi constitution and statutes in regard to registration and voting requirements meet the demands of the U.S. Constitution. In addition to all of its other constitutional deficiencies, the Commission's recommendation to establish Federal registrars in local communities is a gross invasion on the part of the executive branch of the Federal Government against the judicial branch. It upsets completely the scheme of checks and balances in the division of powers. The Commission is asking this Congress to constitute it as the court to determine who has or has not been denied voting rights. Not even in the days of reconstruction was a more monstrous plan devised to destroy and emasculate the constitutional rights and powers of the sovereign States.

Those who advocate and approve the recommendations and proposals of the Commission, together with the reasoning and support thereof, predicate them upon many unsound, erroneous, and fallacious facts, interpretations of the Constitution, and nonexistent powers and policies of the Federal Government; among such theories, principles, and erroneous constructions are the following:

That the Federal Constitution, either specifically or impliedly, provides for and requires it to assure and guarantee to all citizens of the United States and of the States equal protection of the laws;

That the principle that all persons in the United States, including citizens, have equal rights granted by the Constitution to everything in every phase of voting, education, housing, and other fields of social and political life in this Nation;

That the privileges and immunities of a citizen of the United States include the right of suffrage;

That the States are required to establish only what the Federal Government considers to be reasonable qualifications or restrictions on the right to vote;

That universal suffrage and total equality are basic requirements for every person under the Constitution of the United States and that such is guaranteed unto them by the Constitution;

That if integration and total equality in every respect has not been granted to and received by every citizen of each State and this Nation by the courts, then the courts should be bypassed and all questions of qualification of voters should be withdrawn from the courts and placed in the hands of the Civil Rights Commission;

That it is proper and within the provisions of the Constitution that the executive department of the Government perform judicial functions;

That the Constitution, and particularly the 14th and 15th amendments, are designed to make the "nonwhite" race in this Nation members of the privileged class and give to them rights and privileges not given or secured to members of the white race.

There are many provisions of the report in advocacy and support of the recommendations and proposals which sustain the foregoing statements but the following are selected for your immediate consideration:

To show the fallacy and incorrectness of the foregoing, we must review some of the historical facts surrounding the drafting of the Constitution and the status of the franchise at the time of the drafting and adoption of the Constitution, and the pronouncements of the Supreme Court of the United States and other Federal Courts since 1788.

At the time of the adoption of the Constitution the various States had their own requirements which must have been met for a person to be a qualified elector. Among them were property requirements, financial worth, age, and residence. Only males were permitted to vote. During the Constitutional Convention each State refused to give up the right to set the qualifications of its electors. Efforts were made by Gouverneur Morris and others to permit the Federal Government to set the qualifications of the electors in each State measured by the qualifications of State electors for members of the most numerous branch of their respective State legislatures—this was overwhelmingly defeated. Nowhere in any State law, as it then existed, was there any idea of or requirement of equality among all the people as to all things. The right of suffrage was most unequal.

The selection of the people or the class of people qualified to vote for representatives was as set out in article I, section 2. Senators were to be elected according to article I, section 3, clause 1, by the State legislatures. The selection of presidential electors was left exclusively to the States, with the exception of the time and day on which the electors were to cast their ballots for President and Vice President.

Until the adoption of the 14th amendment the State could condition suffrage as each State saw fit. This amendment did not grant the franchise to any person. It merely recognized the difference between citizenship in the United States



or national citizenship and State citizenship; it further made all Negroes citizens of the United States; it further required that the laws of each State be applied equally to all persons therein.

As to voting we find the source of the franchise, whom it may be exercised by, what is the true meaning of the words "right to vote," and to whom it is given, and the correct meaning of the 14th and 15th amendments well stated in various cases from the Supreme Court of the United States and other Federal Courts.

The right of suffrage is not one of the privileges and immunities of national citizenship; it is not one of the privileges and immunities of State citizenship. In *Minor v. Happersett*, 21 Wall 627, 22d Law Ed. 162, we find, page 629:

The United States has no voters in the state of its own creation. The elective offices of the United States are all elected directly or indirectly by State officers.

Speaking of the 14th amendment, the Court said:

The amendment did not add to the privileges and immunities of the citizen, it simply furnished an additional guaranty for the protection of such as he already had.

It is clear, therefore, we think, that the Constitution has not added the right of suffrage to the privileges and immunities of citizenship as they existed at the time it was adopted.

The Court holds that the franchise is not a privilege and immunity of State citizenship.

As to the true meaning of the 14th amendment as interpreted by the *Slaughterhouse Cases*, 83 U.S. 16, Wall 36, 21 L. Ed. 394, and as to the right of suffrage as effected by the 14th and 15th amendments, we find as follows in *McPherson v. Blacker*, 146 U.S. 1, 36 L. Ed. 869-878:

This Court held that the first clause of the 14th article was primarily intended to confer citizenship on the Negro race; and secondly, to give definitions of citizenship of the United States, and citizenship of the States, and it recognized the distinction between citizenship of a State and citizenship of the United States by those definitions; that the privileges and immunities of citizens of the States embrace generally those fundamental civil rights for the security and establishment of which organized society was instituted, and which remain, with certain exceptions mentioned in the Federal Constitution, under the care of the State governments; while the privileges and immunities of citizens of the United States are those which arise out of the nature and essential character of the national Government, the provisions of its Constitution, or its laws and treaties made in pursuance thereof; and that it is the latter which are placed under the protection of Congress by the second clause of the 14th amendment.

We decided in *Minor v. Happersett*, 88 U.S. 21 Wall. 162 (22: 627), that the right of suffrage was not necessarily one of the privileges or immunities of citizenship before the adoption of the 14th amendment, and that that amendment does not add to these privileges and immunities, but simply furnishes as additional guaranty for the protection of such as the citizen already has; that at the time of the adoption of that amendment, suffrage was not coextensive with the citizenship of the State; nor was it at the time of the adoption of the Constitution; and that neither the Constitution

nor the 14th amendment made all citizens voters.

The 15th amendment exempted citizens of the United States from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. The right to vote in the States comes from the States, but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been. *United States v. Cruikshank*, 92 U.S. 542 (23: 588); *United States v. Reese*, 92 U.S. 214 (23: 563).

If because it happened, at the time of the adoption of the 14th amendment, that those who exercised the elective franchise in the State of Michigan were entitled to vote for all the presidential electors, this right was rendered permanent by that amendment, then the second clause of article II, has been so amended that the States can no longer appoint in such manner as the legislatures thereof may direct; and yet no such result is indicated by the language used nor are the amendments necessarily inconsistent with that clause. The first section of the 14th amendment does not refer to the exercise of the elective franchise, though the second provides that if the right to vote is denied or abridged to any male inhabitant of the State having attained majority and being a citizen of the United States, then the basis of representation to which each State is entitled in the Congress shall be proportionately reduced. Whenever presidential electors are appointed by popular election, then the right to vote cannot be denied or abridged without invoking the penalty, and so of the right to vote for representatives in Congress, the executive and judicial officers of a State or the members of the legislature thereof. The right to vote intended to be protected refers to the right to vote as established by the laws and constitution of the State. There is no color for the contention that under the amendments every male inhabitant of the State being a citizen of the United States has from time of his majority a right to vote for presidential electors.

At page 879 of the Law Edition, report of *McPherson*, we find the Court pointedly summing up the 14th amendment insofar as equal protection of the laws is concerned.

It merely requires that all persons subject to such legislation shall be treated alike, under like circumstances and conditions, both in the privileges and in the liabilities imposed.

The Court further held in *McPherson* that the fact that the constitution and laws of the State of Michigan did not grant the franchise to women, did not prevent the State of Michigan from having a republican form of government. This holding squarely contradicts the assertions of the Commission's report to the effect that in order to have a republican form of government there must be universal suffrage and that everyone must have equal right to everything at the same time.

The case of *Pope v. Williams*, 193 U.S. 621, 48 L. Ed. 817, squarely refutes and condemns the statement in the report at page 5, that:

It was understood then (referring to the time when the Constitution was adopted) as now, that States could establish reasonable restrictions on the right to vote saying in effect that the Federal Government had the power to require the States to prescribe only

what the Federal Government thought were reasonable restrictions on the right to vote.

Here the Court dealt with the contention of a former citizen of the District of Columbia who had become a citizen of Maryland but who had not registered with the circuit clerk of the county of his residence, at least 1 year before he offered to register and vote, and who claimed that such was an unreasonable qualification. The Court rejected his contention that the Federal Government had a right to determine whether such requirement was reasonable or unreasonable. The Court held the Federal Government had no right to determine that question but as long as a requirement did not violate the Constitution, the State had the exclusive right to determine whether the requirement was reasonable or unreasonable at page 822 of the law edition, as follows:

We are of the opinion that the statute does not violate any Federal right of the plaintiff in error which he seeks to assert in this proceeding. The statute, so far as it concerns him and the right which he urges, is one making regulations and conditions for the registry of persons for the purpose of voting. It was only for the purpose of thereafter voting that the plaintiff in error sought to be registered, and it was the denial of that right only which he can now review. His application for registry as a voter was denied by the board of registry solely because of his failure to comply with the statute. Whatever other right he may have as a citizen of Maryland by reason of his removal there with an intent to become such citizen is not now in question. So far as appears no other right, if any he may have, has been infringed by the statute. The simple matter to be herein determined is whether with reference to the exercise of the privilege of voting in Maryland, the legislature of that State had the legal right to provide that a person coming into the State to reside should make the declaration of intent a year before he should have the right to be registered as a voter of the State.

The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States (*Minor v. Happersett*, 21 Wall. 162, 22 L. Ed. 627). It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals, in violation of the Federal Constitution. The State might provide that persons of foreign birth could vote without being naturalized, and, as stated by Mr. Chief Justice Waite in *Minor v. Happersett*, 21 Wall. 162, 22 L. Ed. 627, such persons were allowed to vote in several of the States upon having declared their intentions to become citizens of the United States. Some States permit women to vote; others refuse them that privilege. A State, so far as the Federal Constitution is concerned, might provide by its own constitution and laws that none but native-born citizens should be permitted to vote, as the Federal Constitution does not confer the right of suffrage upon any one, and the conditions under which that right is to be exercised are matters for the States alone to prescribe, subject to the conditions of the Federal Constitution, already stated; although it may be observed that the right



to vote for a Member of Congress is not derived exclusively from the State law. See Fed. Const. art. 1, sec. 2; *Wiley v. Sinkler*, 179 U.S. 58 L. Ed. 84, 21 Sup. Ct. Rep. 17.) But the elector must be one entitled to vote under the State statute. *Id.*, *Id.* (See also *Awafford v. Templeton*, 185 U.S. 487, 491, 46 L. Ed. 1005, 1007, 22 Sup. Ct. Rep. 783.) In this case no question arises as to the right to vote for electors of President and Vice President, and no decision is made thereon. The question whether the conditions prescribed by the State might be regarded by others as reasonable or unreasonable is not a Federal one. We do not wish to be understood, however, as intimating that the condition in this statute is unreasonable or in any way improper.

The Court further held in *Pope* that the reasons which may have caused the State legislature to enact the statute in question were matters solely for its determination and that the Federal Court, and thus the Federal Government, had no concern with them.

In the case of *Lassiter against Northampton County Board of Electors*, decided June 8, 1959, the Supreme Court of the United States sustained the validity of the literacy tests of the State of North Carolina against the contention of the Negro plaintiff that they were invalid and violated the Constitution of the United States, including the 14th and other amendments thereto. The Court at pages 6, 7, and 8 of the opinion said:

Section 2 of the 14th amendment, which provides for an apportionment of representatives among the States according to their respective numbers, counts the whole number of persons in each State (except Indians not taxed), speaks of the right to vote, the right protected, refers to the right to vote as established by the laws and constitution of the State. (*McPherson v. Blacker*, 146 U.S.)

Residence requirements, age, previous criminal record (*Davis v. Beason*, 133 U.S. 333, 345-347) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. (Cf. *Franklin v. Harper*, 205 Ga. 779, appeal dismissed 339 U.S. 946.) It was said last century in Massachusetts that a literacy test was designed to insure an independent and intelligent exercise of the right of suffrage. (*Stone v. Smith*, 159 Mass. 413-414.) North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.

Commissioners Battle, Storey, and Carlton in the footnotes at pages 1 and 2 of the report say that equality was not made part of our fundamental law.

The contents of the report in advocacy of the the recommendations and proposals rely upon the Declaration of Independence and many sociological and historical documents together with the *Dred Scott* decision. As to such contents

of the report, I think it sufficient to say that the Constitution of the United States supersedes all documents prior thereto and, of course, the 14th amendment was passed for the purpose of overriding the doctrine and holding in the *Dred Scott* decision.

The Commission's report is no more and no less overall than a complaint, or advocacy, respectively, as indicated: a complaint that under the Constitution of the United States as interpreted by its courts, it is impossible for the Federal Government, Congress, the President, or the courts to order, direct, or require integration and mixing of the races in every phase of the life of this Nation; a complaint that the courts have refused to depart from the true meaning of the Constitution; the report advocates recommendations and proposals, on the basis laid in the reasoning and language thereof which would cause integration and mixing of the races in every phase of the life of this Nation; the report advocates that the nonwhites in this Nation should be made members of a privileged class and given rights and privileges not enjoyed by members of the white race; the report advocates that the Federal Government should by executive or legislative power bypass the courts if such is necessary to bring about integration and mixing of the races; the report advocates a constitutional amendment which would permit criminals, mental incompetents, illiterates, and so forth, to be given the right to vote in all elections for State officials and for Senators and Representatives in the U.S. Congress, thus destroying the basic principle of State power and Federal power under the Constitution of the United States and denying to the States the rights and powers which they have enjoyed since 1788, a period of 171 years, and even before that from the time of the organization of the respective States which adopted the Constitution; the report advocates the enactment of Federal statutes patently unconstitutional in order to accomplish integration and mixing of the races; it advocates jeopardizing the right of most Negroes and most white persons to choose associates and the right to select voluntarily with whom they shall mix and mingle; and to give to the members of the non-white races in this Nation the over-riding power to determine who everybody else will associate with and mix with.

All recommendations are either unnecessary, unwise, or unconstitutional.

Voting recommendation No. 2 would require preservation of all State registration and voting records for a period of 5 years, that they be public records and subject to public inspection.

Any act of Congress requiring the above would be absolutely unconstitutional and void. It would violate the provisions of article I, section 2, clause 1, and article I, section 3, clause 1, together with many cases decided by the Supreme Court of the United States. It cannot be justified under article I, section 4, clause 1, or any other provision of the Federal Constitution.

Recommendation No. 3 proposes that the Federal Government cast burdens upon State officers without the consent

of the State and seeks to exercise Federal control over the selection of Presidential electors who are State officers; it seeks to extend Federal authority and power in control and regulation of State officers and vests in the Federal courts jurisdiction of matters which are not otherwise within the scope and sphere of Federal power.

Mr. President, since the days of Reconstruction the white and Negro people of the South, slowly and laboriously, evolved a pattern of life that gave to each race the maximum opportunities for progress and advancement and promoted mutually respected, peaceful, and harmonious relations between the two races. You are never, either by commission reports or statutes, going to force the white people of the South into social relationships with the Negro race. What can be done, and is fast being done, is the destruction of the harmonious relationships and the erection of a wall that prevents and prohibits communication between the races, mutual trust and confidence.

Mr. President, let me say that the rape, the murder, the other crimes, and the filth in New York and in other great metropolitan areas of the country are due to the attempts at racial integration; but the newspapers in those areas will not tell the public the truth.

It is on the sidewalks of the cities of the North, East, and West that terror stalks the streets—where rape, murder, assaults, crime, and violence of all kinds now run rampant. In the South, we do not have juvenile delinquency, gang rule and gang murder. We do not have those things, because we have a segregated society that has been built throughout the years.

The fundamental cause of this deplorable situation is the continual agitation for the intermingling of the races on a social plane. You cannot put white and Negro children in school together and not have social contacts result. When Negro families move into white neighborhoods, the whites are either going to move out, as they usually do, or social intermingling will result. What will happen in the North, East, or West may be problematical. In the Deep South there is no doubt or question—the races are not going to be intermingled.

Mr. President, no geographic area of the United States contains a higher proportion of population whose lineal ancestors were living in this country prior to the Revolutionary War than does the South. When we speak of a birthright, we speak of and through our fathers, grandfathers, and grandsires who lived, fought, bled, and died to create and build this great country. When we speak of our Founding Fathers, we are calling them fathers, as such, and not referring to them as abstract symbols for metaphysical fulminations. When we speak of the Constitution we are talking about a document which means exactly what these men of life and blood intended it to mean and we refuse to accept or consider the monstrous misinterpretations placed on this charter by modern-day witch doctors who would pervert it into



an instrument for the destruction of the white race of the South.

If the South is forced to stand again today, where it once stood in the dark and hopeless days of reconstruction, I remind my colleagues that they are dealing with a people who hold the same ideas of freedom and liberty under law their fathers held before them. They will meet today both the description and challenge so eloquently stated by Henry W. Grady in 1889, when he said:

If there is any human force that cannot be withstood, it is the power of the banded intelligence and responsibility of a free community. Against it, numbers and corruption cannot prevail. It cannot be forbidden in the law, or divorced in force. It is the inalienable right of every free community. It is on this, sir, that we rely in the South. Not the cowardly menace of mask or shotgun, but the peaceful majesty of intelligence and responsibility, massed and united for the protection of its homes and the preservation of its liberty.

#### EXHIBIT I

IN THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, JACKSON DIVISION—H. D. DARBY, ON BEHALF OF HIMSELF AND OTHERS SIMILARLY SITUATED, PLAINTIFFS, *v.* JAMES DANIEL, CIRCUIT CLERK OF JEFFERSON DAVIS COUNTY, MISSISSIPPI AND JOE T. PATTERSON, ATTORNEY GENERAL OF THE STATE OF MISSISSIPPI, DEFENDANTS—CIVIL ACTION No. 2748

Before Cameron, circuit judge, and Mize and Clayton, district judges.

Cameron, circuit judge:

The case before us, with some of the facts, is thus stated in plaintiff's brief: "This is an action for a declaratory judgment and injunction brought by plaintiff on behalf of himself and others similarly situated. The gravamen of plaintiff's complaint is that he and other Negro citizens of Jefferson Davis County, Miss., have been denied the right to register in order that they might vote, solely because of their race and color, through the enforcement of a policy of discrimination against Negro voters, the enforcement of unconstitutional voting requirements, and the discriminatory administration of valid requirements. The plaintiff also seeks to enjoin enforcement of a State statute which makes it a crime, punishable by imprisonment for 1 year, for him to accept financial and legal assistance in the prosecution of this action and for his attorneys and others to give such assistance."

"The plaintiff in this case is an adult Negro citizen of the United States and of the State of Mississippi, residing in Prentiss, Jefferson Davis County, Miss. since 1947. He is not an idiot, an insane person, or an Indian who is not taxed, and is more than 21 years of age. His occupation is that of a minister of the Gospel. He has never been convicted of any crime enumerated in the Mississippi constitution as grounds for disqualification as a voter. He has paid his poll tax for the years 1956 and 1957. He was a duly qualified and registered voter of Jefferson Davis County prior to January 1, 1954, and exercised his right to vote in various elections held in the county between 1950 and 1955, having registered for the first time in the early part of 1950.

"In 1954 the Legislature of the State of Mississippi proposed that section 244 of the Mississippi constitution of 1890 be amended, and after the proposed amendment was ratified by a vote of the electorate, it became law in 1955." Defendant Daniel was and is circuit clerk and registrar of Jefferson Davis County and will be referred to as defendant unless otherwise noted.

The qualifications of electors are set forth in article 12 of the Mississippi constitution of 1890, as amended, titled "Franchise," and the article embraces sections 240-243, inclusive.

The sections of the article, other than section 244 which is challenged by plaintiff, grant the right to vote to inhabitants of the State, except idiots, insane persons and Indians not taxed, who are citizens of the United States, 21 years old or over, with certain residence requirements, who have duly registered as provided in the article and who have never been convicted of certain listed crimes and who have paid all poll taxes legally required of them before February 1 of the year in which they offer to vote. Section 249 provides: "And registration under the constitution and laws of this State by the proper officers of this State is hereby declared to be an essential and necessary qualification to vote at any and all elections."

Section 244 of article 12, prior to the amendment attacked, was in these words:

"§ 244. On and after the first day of January, A.D. 1892, every elector shall, in addition to the foregoing qualifications be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof. A new registration shall be made before the next ensuing election after January the first, A.D. 1892."

Amended section 244<sup>1</sup> reads as follows in its pertinent portions:

"SEC. 244. Every elector shall, in addition to the foregoing qualifications be able to read and write any section of the constitution of this State and give a reasonable interpretation thereof to the county registrar. He shall demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government."

Following the quoted language the amended section goes on to provide that a person applying to register shall make a sworn written application on a form to be prescribed by the State board of election commissioners, and concludes with these words: "Any new or additional qualifications herein imposed shall not be required of any person who was a duly registered and qualified elector of this State prior to January 1, 1954. The legislature shall have the power to enforce the provisions of this section by appropriate legislation."

In February 1956 the Board of Supervisors of Jefferson Davis County ordered a new registration and due notice thereof was given by publication as required by law. This new registration was in line with the practice which had been followed in the county for a number of years, new registrations having been had in the years 1906, 1923, 1934, and 1949.

Defendant Daniel first became circuit clerk and registrar of Jefferson Davis County January 1, 1956. Without dispute and based upon his opinion that, since a new registration had been ordered and forms had been sent to him by the State election commissioners, he was so obligated, he began the practice of requiring all applicants, regardless of color, to take the examination provided by the amendment and covered by the questionnaire, which policy he pursued until about October 15, 1956. Plaintiff Darby first entered his office to register on June 29, 1956, and Defendant Daniel handed him the questionnaire to be completed pursuant to the custom then universally followed by him. No discussion was had between plain-

tiff and defendant. Plaintiff completed a part of the written examination and signed his name and left.

He had consulted the attorney now representing him and had written a letter of complaint to the President of the United States some weeks before that, which resulted in an investigation of Defendant Daniel being made by the Federal Bureau of Investigation. About October 1, 1956, Defendant Daniel received a letter from the U.S. attorney in Jackson, Miss., requesting that Daniel come to his office for conference. He responded to the request, going in company with the county attorney to the office of the U.S. attorney. There he was advised that the Department of Justice took the position that persons who, like Plaintiff Darby, had been registered prior to January 1, 1954, were required to take only the oral examination covering the qualifications as set forth in the original section 244 of article 12 of the Mississippi constitution. Daniel left the U.S. attorney and went to the attorney general of Mississippi, who advised him in writing October 12, 1956, that no person registered prior to January 1, 1954, was required to take the written examination provided by the amendment. Thereafter, Daniel pursued the policy of giving all applicants of Darby's class the option to take the oral examination provided by the original section or the written examination provided by the amendment.

About November 2, 1956, Plaintiff Darby again presented himself for registration and was given the oral examination. He did not pass in the opinion of Daniel and was so advised. Neither Darby nor Daniel remembered what section of the constitution Darby was called upon to interpret. About June 8, 1957, Darby came to Daniel's office again to register and was given the oral examination, and again failed to pass. A short time thereafter the FBI made a further examination into Daniel's operation of his office in which Daniel explained freely what happened.

On June 22, 1957, Plaintiff Darby again presented himself to Defendant Daniel, this time requesting that he be given the written examination as provided by the amendment. Without dispute, Plaintiff followed this course on the advice of his attorney, whom he had first consulted more than a year before. He was given the written examination on the forms furnished to Daniel by the State officials, and again Daniel ruled that he had not qualified for registration.<sup>2</sup>

<sup>2</sup> After the Court had concluded the hearing of this action July 22-25, 1958, Rutha Dillon presented a motion to intervene served and filed September 16, 1958, setting forth that she had testified as a witness for Plaintiff Darby and that her interest "may not be adequately represented by plaintiff and applicant may be bound by a judgment in this action." The application was filed by the attorneys already representing Plaintiff Darby and with it was filed a memorandum brief in which she claimed that she was filing the application under rule 20(a) and rule 24(b)(2) FRCP. Her application asked that she be permitted to intervene upon her testimony already given and upon the testimony introduced at the hearing. Her desire to intervene was grounded on her apprehension that Plaintiff Darby might not represent her inasmuch as she had not registered prior to January 1, 1954, whereas Darby had registered prior to that time and had requested and taken the written examination provided by the amendment to section 244, although not required so to do.

The defendants resisted the requested intervention, taking the position that the application came too late and that Plaintiff Darby, having volunteered to take an examination he was not required to take, was

<sup>1</sup> In 1954 the Legislature of Mississippi proposed that section 244 of the constitution of 1890 be amended, and after the proposed amendment was ratified by a vote of the people it became a part of the constitution in 1955.



Plaintiff Darby appealed, as provided by law, from the ruling of Defendant Daniel rejecting his written application (he had not appealed from the other three rejections), and the evidence shows that in so doing he was guided by one of his attorneys of record who had been employed by the NAACP legal defense and educational fund. His attorney filed with the registrar a writing bearing the heading "Appellant's Contentions."<sup>2</sup> Plaintiff Darby and his attorney appeared at the office of Daniel on October 7, 1957, but there was no meeting of the commissioners scheduled or held at that time.<sup>4</sup> Said plaintiff and his attorney were advised that the commissioners would meet at the registrar's office on the Tuesday after the third Monday in March 1958; Plaintiff Darby testified that Daniel told them of a March meeting. No provision is made for notice to persons desiring to present contests of the actions of the registrar and we do not find that Defendant Daniel made any agreement to give any notice to plaintiff or that such an

not in position to maintain the action brought by him. The amendment provides that Darby should not be "required" to submit to its terms, but contains no prohibition against his voluntarily doing so. Both he and Defendant Daniel proceeded in the written examination before us in obedience to the terms of the amendment, and we do not pause to resolve this question, arising as it does after all of the briefs have been submitted and much study given to the fundamental issues involved.

We see no harm to ensue from granting the application to intervene and have entered an order permitting the requested intervention upon the terms set forth. The intervenor will be referred to hereafter as a plaintiff.

<sup>3</sup> This document set forth that Plaintiff Darby had appealed to the board of commissioners within 5 days from the refusal of Defendant Daniel to register him, that section 244 of the Mississippi constitution as amended "is unconstitutional and void on its face since it bestows upon the registrar of voters an uncontrolled discretion to determine who is able to interpret the constitution of the State of Mississippi and who is able to demonstrate an understanding of the duties and obligations of citizenship in a democratic form of government," and allegation being applied also to the Mississippi statutes implementing the constitutional provision. The document further set up that the constitutional and statutory provisions "are unconstitutional and void because the purpose of said provisions was to enable the registrar of voters to discriminate against otherwise qualified Negroes, solely because of their race and color," and that said provisions were being administered by Defendant Daniel "in such a manner as to discriminate against Rev. H. B. Darby and other Negroes otherwise qualified, solely because of their race and color." The document further contended that since Plaintiff Darby had registered prior to January 1, 1954, the new provisions were not applicable to him.

<sup>4</sup> This appearance by Plaintiff Darby and his attorney resulted, no doubt, from the language of section 3226 of the Mississippi Code of 1942 providing that the commissioners should meet "on the first Monday in October after appointment." The commissioners had been appointed in 1956 and had held the October meeting that year. No provision being made in that section for meeting in any year except that of their appointment, the Mississippi Legislature in 1938 passed a statute appearing as section 3240 of the Mississippi Code of 1942 providing that: "On the Tuesday after the third Monday in March, A.D. 1939, and every year thereafter the commissioners of election shall meet at the office of the registrar."

agreement, if made, would have any legal effect. The appeal, apparently begun as a test of the provisions of the constitution and statutes here under attack, was not prosecuted, but this civil action was filed 4 days before he election commission met in Jefferson Davis County. The appeal is still pending before them.

Other portions of the testimony will be referred to under the discussion of the several points raised by the parties.

From the written contentions so filed on the appeal, the averments of the complaint and plaintiff's brief it appears that the attack on the Mississippi Constitution and implementing statutes is based upon three grounds: that section 244 is unconstitutional and void on its face because it bestows upon the registrar "an uncontrolled discretion to determine who is able to interpret the constitution of \* \* \* Mississippi" and who is able to demonstrate an understanding of the duties of citizenship; that the section is unconstitutional and void because the purpose of said provisions was to enable the registrars to "discriminate against otherwise qualified Negroes;" and that said section is being administered "in such a manner as to discriminate against Rev. H. B. Darby and other Negroes otherwise qualified, solely because of their race and color."

The complaint specifies that the uncontrolled discretion referred to results from the amendment's vague and uncertain language which fails to set up a standard of reasonableness capable of objective measurement. The precise prayer of the complaint asks an injunction restraining defendant from enforcing those parts of said constitutional and statutory provisions which require an elector to give to defendant a reasonable interpretation of a provision of the Constitution of the State of Mississippi and which require that an elector demonstrate to defendant a reasonable understanding of the duties and obligations of citizens under a constitutional form of government. The allegations of unconstitutionality are predicated upon the due process clause of the 14th amendment and the provisions of the 15th amendment.

# I

(1) Any consideration of the constitutionality of the challenged portions of this amendment begins with the fundamental fact that, under our constitutional system, the qualification of voters is a matter committed exclusively to the States. The Supreme Court has spoken on the subject in language as clear as it is decisive. Witness, for example, what it said in *Pope v. Williams*; 1904, 193 U.S. 621: <sup>5</sup>

"The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States (*Minor v. Happersett* (21 Wall. 162)). It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper \* \* \*. The State might provide that persons of foreign birth could vote without being naturalized, and, as stated by Mr. Chief Justice Waite in *Minor v. Happersett*, *supra*, such persons were allowed to vote in several of the States upon having declared their intentions to become citizens of the United States. Some States permit women to vote; others refuse them that privilege. A State, so far as the Federal Constitution is concerned, might provide by

<sup>5</sup> The Court was then composed of Chief Justice Fuller and Associate Justices Harlan, Brewer, Brown, White, Peckham, McKenna, Holmes, and Day, and the decision was unanimous.

its own constitution and laws that none but native-born citizens should be permitted to vote, as the Federal Constitution does not confer the right of suffrage upon anyone, and the conditions under which that right is to be exercised are matters for the States alone to prescribe, subject to the conditions of the Federal Constitution, already stated.

\* \* \* The question whether the conditions prescribed by the State might be regarded by others as reasonable or unreasonable is not a Federal one. \* \* \*

"\* \* \* The right of a State to legislate upon the subject of the elective franchise as to it may seem good, subject to the conditions already stated, being, as we believe, unassailable, we think it plain that the statute in question violates no right protected by the Federal Constitution.

"The reasons which may have impelled the State legislature to enact the statute in question were matters entirely for its consideration, and this Court has no concern with them" (pp. 632-634).

Like language was used by the Court in a case so much relied upon by plaintiffs, *Guinn et al. v. United States* ((1915), 238 U.S. 347). In striking down the grandfather clause of the Oklahoma Constitution the Court fixed its eyes upon certain principles as the lodestar which should furnish the light by which it would be guided:

"It [the United States] says State power to provide for suffrage is not disputed, although, of course, the authority of the 15th amendment and the limit on that power which it imposes is insisted upon. Hence, no assertion denying the right of a State to exert judgment and discretion in fixing the qualification of suffrage is advanced and no right to question the motive of the State in establishing a standard as to such subjects under such circumstances or to review or supervise the same is relied upon, and no power to destroy an otherwise valid exertion of authority upon the mere ultimate operation of the power exercised is asserted. And applying these principles to the very case in hand the argument of the Government in substance says: No question is raised by the Government concerning the validity of the literacy test provided for in the amendment under consideration as an independent standard since the conclusion is plain that that test rests on the exercise of State judgment, and, therefore, cannot be here assailed either by disregarding the State's power to judge on the subject or by testing its motive in enacting the provision (pp. 359-360).

"Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and national authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals" (p. 362).<sup>6</sup>

<sup>6</sup> To the same effect see *In Re Slaughterhouse Cases*, 1873, 16 Wall. 36; *Minor v. Happersett*, 1874, 21 Wall. 162, 88 U.S. 162; *United States v. Cruikshank*, 1875, 92 U.S. 542; *United States v. Reece*, 1875, 92 U.S. 214; *State of Virginia v. Rives*, 1879, 100 U.S. 313; *Snowden v. Hughes*, 1944, 321 U.S. 1. And cf. *McPherson v. Blacker*, 1892, 146 U.S. 1, 35: "The question before us is not one of policy but of power," and Annotation 153 A.L.R., pp. 1066 et seq.



(2) Plaintiffs base their argument that the constitutional provisions under attack are void on their face chiefly upon four Supreme Court decisions: *Yick Wo v. Hopkins, Sheriff*, 1886, 118 U.S. 356; *Guinn et al. v. United States, supra*; *Lane v. Wilson*, 1939, 307 U.S. 268; and *Schnell et al. v. Davis*, 1949, 336 U.S. 983. Analysis of those cases will reveal that they do not apply to the constitutional and statutory provisions before us.

*Yick Wo* involved the constitutionality, as administered by the board of supervisors, of an ordinance of the city and county of San Francisco making it unlawful to establish or maintain a laundry without the consent of the board of supervisors unless such laundry "be located in a building constructed either of brick or stone." Two Chinese nationals were convicted of violating the ordinances and the two cases wherein they sought habeas corpus were consolidated and decided by the Supreme Court. One was *Yick Wo's* petition for habeas corpus denied by the Supreme Court of California, and the other a like petition by *Wo Lee*, on practically identical facts, denied by the circuit court of the United States for the San Francisco district. The facts in both cases were without dispute.

Of the 320 laundries in San Francisco, about 310 were constructed of wood, and about about 240 were owned and conducted by subjects of China. The board of supervisors followed the policy of issuing permits for laundry operation to all Caucasians and denying it to all Chinese even though in the cases presented to the court the premises of the Chinese had been inspected and approved by the fire wardens, the health officers, and other city officials. The Supreme Court of California thought that the statute was a proper exercise of the police power, and the U.S. circuit court, in the other case, thought otherwise, expressing the opinion that the ordinances as administered violated provisions of the 14th amendment and a treaty between the United States and China. In deference to the decision of the Supreme Court of California, however, and contrary to its own opinion, the circuit court discharged the habeas corpus writ as the Supreme Court of California had done.

The Supreme Court rejected the decision of the California court, holding that the ordinances "seem intended to confer, and actually do confer, not a discretion to be exercised upon a consideration of the circumstances of each case but a naked and arbitrary power to give or withhold consent, not only as to places, but as to persons. \* \* \* The power given to them is not confided to their discretion in the legal sense of that term, but is granted to their mere will. It is purely arbitrary, and acknowledges neither guidance nor restraint (pp. 366-367). The final conclusion of the Supreme Court is epitomized in graphic words copied in the margin." The quotation from the Supreme

Court's opinion as applied to the facts there refutes the argument the case is called upon to furnish here. The case will be discussed further in our analysis of *Schnell, infra*. The constitution and statutes of Mississippi do not contain any license for the exercise of arbitrary power. Plaintiffs are entitled to relief here if they can show the discrimination which was admitted there.

*Guinn* brought in question the constitutionality of the "grandfather clause" inserted by amendment into the constitution of Oklahoma. That amendment established literacy tests, but exempted from such tests every person "who was, on January 1, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation." The exemption was made to apply also to the lineal descendants of such persons. The court held that the language of the Oklahoma amendment was indisputably aimed directly at the 15th amendment with palpable intent of destroying the effect of that amendment. Its course of reasoning ran thus:

The 15th amendment provided that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." The Oklahoma constitution fixed a date, January 1, 1866, as the crucial date, at which time the 15th amendment had not been passed and no Negro possessed the right of suffrage. By its terms, therefore, the exemption from the literacy test was denied to all Negroes, and was vouchsafed to all others. This being true, the Oklahoma amendment—and the Supreme Court so stated—could have no other purpose, under its very language, than to abridge the right of Negroes to vote by requiring them to pass a literacy test from which all non-Negroes were exempted.

*Lane v. Wilson* dealt with an act of the Oklahoma Legislature passed at a special session immediately following the invalidation of the constitutional amendment in *Guinn*, which act the Supreme Court decided was directed solely at a circumvention of the *Guinn* decision. The scope and reach of *Lane v. Wilson* can best be evaluated by quotations from the Supreme Court's opinion set forth in the margin.<sup>8</sup>

depend for a livelihood. And while this consent of the supervisors is withheld from them and from 200 others who have also petitioned, all of whom happen to be Chinese subjects, 80 others, not Chinese subjects, are permitted to carry on the same business under similar conditions. The fact of this discrimination is admitted. No reason for it is shown, and the conclusion cannot be resisted, that no reason for it exists except hostility to the race and nationality to which the petitioners belong, and which in the eye of the law is not justified. The discrimination is, therefore, illegal, and the public administration which enforces it is a denial of the equal protection of the laws and a violation of the 14th amendment of the Constitution."

<sup>8</sup> "Those who had voted in the general election of 1914 automatically remained qualified voters. The new registration requirements affected only others. \* \* \* The crux of the present controversy is the validity of this registration scheme, with its dividing line between white citizens who had voted under the 'grandfather clause' immunity prior to *Guinn v. United States, supra*, and citizens who were outside it, and the not more than 12 days as the normal period of registration for the theretofore proscribed class" (p. 271).

"When in *Guinn v. United States, supra*, the Oklahoma 'grandfather clause' was found violative of the 15th amendment,

It is clear that the Supreme Court thought that it was impossible to construe the Oklahoma legislation as having any efficacy which did not perpetuate as a favored class the white citizens, who were the only ones permitted to vote in 1914,<sup>9</sup> and to lay a heavy burden on Negroes aspiring to register under discriminatory requirements which they were forced to meet only because they had been wrongfully excluded from voting right under the unconstitutional provisions of the grandfather clause.

The last case relied upon by plaintiffs is the per curiam opinion of the Supreme Court in *Schnell et al. v. Davis et al.*, which reads as follows:

"The judgment is affirmed. *Lane v. Wilson*, 307 U.S. 268; *Yick Wo v. Hopkins*, 118 U.S. 356. Cf. *Williams v. Mississippi*, 170 U.S. 213."

A three-judge district court for the southern district of Alabama had written a lengthy opinion and had based its decision upon a number of grounds including a finding that the Boswell amendment there under consideration "has, in fact, been arbitrarily used for the purpose of excluding Negro applicants for the franchise, while white applicants with comparable qualifications were being accepted."<sup>10</sup> From the concluding words of the district court's opinion<sup>11</sup> it appears that the judgment it entered was to grant an injunction in favor of *Schnell et al.* The Supreme Court did nothing more than to affirm that judgment, not indicating which of the several grounds it adopted as the basis for the affirmance.

Viewed most favorably to the contentions of the plaintiffs here, it would be assumed that the Supreme Court decided that the Boswell amendment placed final and arbitrary powers in the hands of the board of registrars, which power the board had in fact exercised arbitrarily in favor of white

Oklahoma was confronted with the serious task of devising a new registration system consonant with her own political ideas but also consistent with the Federal Constitution. We are compelled to conclude, however reluctantly, that the legislation of 1916 partakes too much of the infirmity of the 'grandfather clause' to be able to survive (p. 275).

"But this registration was held under the statute which was condemned in the *Guinn* case. Unfair discrimination was thus retained by automatically granting voting privileges for life to the white citizens whom the constitutional 'grandfather clause' had sheltered while subjecting colored citizens to a new burden" (p. 276).

<sup>9</sup> In its decision of *Lane v. Wilson* the Circuit Court of Appeals for the 10th Circuit, 98 F. 2d 980, 984, stated: "It may be, and we take it as true, that inasmuch as the so-called grandfather clause in the Constitution of Oklahoma had not been declared void as violative of the 15th amendment until 1915 no Negroes voted at the 1914 election."

<sup>10</sup> Fundamental factual differences differentiate *Schnell* from the case before us. The Alabama amendment invested the registrars with rigid and arbitrary powers, not requiring that their judgment be reasonable. It contained no requirement that the examination be in writing or that a record be made of it so that it might be subjected to review. The decision makes no mention of any right of appeal from the decision of the registrars. State agencies took active leadership in campaigning for its adoption, stating openly in writing that the object of the amendment was to curtail Negro registration. As applied, the tests were not required of whites, only Negroes being subjected to them. Not one of these criticisms applies to the Mississippi amendment under the facts presented to us.

<sup>11</sup> 81 F. Supp. 881.

<sup>7</sup> (pp. 373-374) "Though the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution."

"The present cases, as shown by the facts disclosed in the record, are within this class. It appears that both petitioners have complied with every requisite, deemed by the law or by the public officers charged with its administration. \* \* \* No reason whatever, except the will of the supervisors, is assigned why they should not be permitted to carry on, in the accustomed manner, their harmless and useful occupation, on which they



applicants and against Negro applicants. As shown above, this was the ground common to Lane and Yick Wo, the two cases forming the predicate for the Supreme Court's action in Schnell.

It is important to note that the Supreme Court, after citing these two cases, directed a comparison with *Williams v. Mississippi*, 1898, 170 U.S. 213. There, the literacy tests of the Mississippi Constitution of 1890 were upheld and, as demonstrated infra, the Court held categorically that the doctrine of Yick Wo did not apply. The clear meaning of the reference to the three cases by the Supreme Court was that in contrast with the valid requirements of the Mississippi Constitution, the Boswell amendment involved in Schnell came under the condemnation of the two cases wherein the Supreme Court had pointed out specifically that arbitrary power granted and discriminatorily used could not stand the test of constitutionality.

## II

(1) In considering whether amended section 244 is unconstitutional on its face, it is important to bear in mind that plaintiffs concede that the voting provisions of the Constitution of 1890 were valid. They could not, of course, do less because the Supreme Court of the United States specifically approved them in *Williams v. Mississippi*, 1898, 170 U.S. 213.<sup>12</sup>

Sections 241, 242, and 244 of the constitution of 1890 were attacked by motion (20 So. at 840) as being violative of the due process and equal protection clauses of the 14th amendment. The motion was grounded on the allegation that the constitutional convention of Mississippi was composed of 134 members, of which only 1 was a Negro; "that the purpose and object of said constitution was to disqualify, by reason of their color, race, and previous condition of servitude, 190,000 Negro voters." It was contended before the Supreme Court, 170 U.S. at page 215, that, "under prior laws, there were 190,000 colored voters and 69,000 white voters;" and "that sections 241, 242, and 244 of the constitution of this State are in conflict with the 14th amendment to the Constitution of the United States, because they vest in administrative officers the power to discriminate against citizens by reason of their color; and that the purpose of so investing such officers with such power was intended by the framers of the State constitution to the end that it should be used to discriminate against the Negroes of the State." The contentions there made bear a marked resemblance to those now made before us. Responding to them, the Supreme Court of Mississippi said (20 So. 840-841):

"At this point in the investigation it is sufficient to say that we have no power to investigate or decide upon the private, individual purposes of those who framed the constitution, the political or social complexion of the body of the convention. \* \* \* We can deal only with the perfected work—the written constitution adopted and put in operation by the convention. \* \* \*

"We find nothing in the constitutional provisions challenged by the appellant which discriminate against any citizen by reason of his race, color, or previous conditions of servitude. \* \* \* All these provisions, if fairly and impartially administered, apply

with equal force to the individual white and Negro citizen. It may be, and unquestionably is, true that, so administered, their operation will be to exclude from the exercise of the elective franchise a greater proportionate number of colored than of white persons. But this is not because one is white and the other is colored, but, because of superior advantages and circumstances possessed by the one race over the other, a greater number of the more fortunate race is found to possess the qualifications which the framers of the constitution deemed essential for the exercise of the elective franchise."

Affirming the decision of the Mississippi Supreme Court in *Williams*, the Supreme Court of the United States considered at length *Yick Wo v. Hopkins*, supra, more than half of the opinion being devoted to a study of and quotations from the case. The Court quoted what it had said in *Yick Wo*, which quotation—set forth supra—is the portion of *Yick Wo* so vigorously urged by plaintiffs before us. But concerning said quoted language the Supreme Court of the United States, after stating "We do not think that this case is brought within the ruling in *Yick Wo v. Hopkins*" 170 U.S. at 225, said:

"This comment is not applicable to the constitution of Mississippi and its statutes. They do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them."

The Court, in that decision, quoted and discussed all of the important provisions of the Mississippi constitution governing the right to vote, and also quoted the contention there made that the constitution vested in the registrar "the full power, \* \* \* to ask all sorts of vain, impertinent questions, and \* \* \* reject whomsoever he chooses, and register whomsoever he chooses, for he is vested by the constitution with that power. Under section 244 it is left with the administrative officer to determine whether the applicant reads, understands, or interprets the section of the constitution designated. The officer is the sole judge of the examination of the applicant, and even though the applicant be qualified, it is left with the officer to so determine; and the said officer can refuse him registration."

It is of determinant significance that the Supreme Court in *Williams* rejected all of those contentions and upheld the constitutionality of section 244 as originally written.

(2) It is pertinent to observe at this point that plaintiffs, having thus conceded the validity of the original 244, make the identical argument that amended 244 is unconstitutional because (a) its language is so vague and indefinite as to furnish no ascertainable standard of action, and (b) it invests the registrar with arbitrary and uncontrolled powers

(a) The obvious answer to the ground first stated is that the words used in amended section 244 are the identical terms used in the 1890 constitution—"read," "reasonable," "interpret," "understand." Every one of those words was used in the original section which plaintiffs find no difficulty in comprehending. The language above quoted shows that the identical contention was made by *Williams* in his appeal and was rejected by the Supreme Court. It is further clear that the responsible State official was invested with exactly the same powers under the constitution of 1890 that he has under the amended section.

It is plain that what plaintiffs complain of is, not that the words used in the amendment are vague and indefinite, but that the literacy test imposed by the amendment is slightly more onerous and exacting than that of the original. They complain that the amendment requires an applicant for registration to read and write a section of the constitution. Certainly

the original requirement was more rigorous at the time of its enactment than was the amendment when it was adopted.

The constitution of 1890 was passed when Negroes had just emerged from complete illiteracy—cf. the Supreme Court's language in *Brown v. Board of Education*, 1954, 347 U.S. 483, 490 "Education of Negroes was almost nonexistent and practically all of the race were illiterate"—and when both Negroes and whites had passed through two decades of the tragedy of Reconstruction when efforts at education were close to the vanishing point. After six decades of an increasingly competent educational system<sup>13</sup> it seems moderate indeed for the electorate to lay upon itself the obligation of being able to read and write the basic law of the Commonwealth. Understanding and interpretation formed a part of the original section 244 and they seem all the more proper in this time of general enlightenment.

The same can well be said of the sentence added by the amendment requiring an applicant to demonstrate "a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government." In assaying the reasonableness of such requirements it is well to note that the provision of the Oklahoma constitution, which the Supreme Court found unexceptionable in *Guinn*, supra (238 U.S. at 357), required the applicant to both read and write, and that the Court rejected the grandfather clause only because it was not able to discover any reason for its arbitrary exemption of those possessing certain qualifications on a specified date except one which flew in the face of the 15th amendment (238 U.S. at pp. 364-365). Such is not the case here. At a time when alien ideologies are making a steady and insidious assault upon constitutional government everywhere,<sup>14</sup> it is nothing but reasonable that the States should be tightening their belts and seeking to assure that those carrying the responsibility of suffrage understand and appreciate the form and genius of the Government of the country and of the States.

(b) Literacy tests for prospective voters have been in effect in this country for a century, and no case has been brought before us holding that the people of a State have placed themselves under too heavy a burden in setting the standards which will earn the right to vote, and none condemning a literacy test as such. In *Lassiter v. Taylor*, U.S.D.C. E.D. N. Car., 1957, 152 F. Supp. 295, 297-298, attention is called to the fact that 19 States, only 7 of which are Southern States, prescribe literacy tests, and those States and the laws prescribing the literacy tests are listed. Plaintiffs concede that it is proper for Mississippi to enact reasonable literacy requirements for voting. That concession is bound to include the unquestioned concept that it is the States which have plenary and exclusive power to determine what is reasonable. See the language of the Supreme Court opinions in part I supra. Plaintiff's idea that a literacy test may properly embrace one facet but not two (or two facets but not three) is without sanction of either law or reason. In *Trudeau v. Barnes*, 65 F. 2d 563, certiorari denied 290 U.S. 659, the fifth circuit court of appeals approved Louisiana constitutional requirements embracing both reading and interpreting its constitution and that of the United States.

<sup>13</sup> Last year 268,246 Negroes attended the public schools of Mississippi and 281,684 whites. See Bulletin S.D. 58, Mississippi Department of Education.

<sup>14</sup> Blazoned across the front of the October 3, 1958, issue of U.S. News & World Report, are these words in red letters: "Today's War—How the Reds Are Operating in 72 Countries."

<sup>12</sup> The Supreme Court there affirmed the decision of the Supreme Court of Mississippi in *Williams v. State*, 1896, 20 So. 1023, in which case a memorandum opinion only was written. That memorandum opinion referred to the decision of Chief Justice Cooper in the companion case of *Dixon v. State*, 20 So. 839; and consideration of the *Dixon* decision is necessary to an understanding of the effect of the Supreme Court's decision in *Williams*.



(c) To attack the language of amended section 244 as being too vague and indefinite is to ignore a long and unbroken line of decisions approving legislative enactments whose phraseologies are far more hebulous and difficult of ascertainment than the relatively simple terms before us. A few recent examples will suffice. The Supreme Court has recently<sup>15</sup> approved a Federal and a State statute which made criminal the dissemination of literature which was "obscene, lewd, lascivious, filthy, indecent," although it was necessarily left to 12 laymen constituting the jury to determine whether such dissemination had "a substantial tendency to deprave or corrupt the readers by inciting lascivious thoughts or by arousing lustful desires." The Labor Board is given power<sup>16</sup> to examine protracted negotiations between representatives of employers and employees and to determine therefrom whether there has been "bargaining in good faith."

In *Screws v. United States*, 325 U.S. 91, the Supreme Court upheld a criminal statute making it unlawful to deprive any inhabitant of a state "of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States \* \* \* by reason of his color, or race." Those rights, privileges, and immunities are legion and are being defined and expanded every day.<sup>17</sup> The Court justified its decision by holding that conviction under the statute can ensue only when the jurors find, under proper instructions, that the rights violated are rights belonging to Federal citizenship as distinguished from those inhering in State citizenship. It should be remembered also that every juror in a criminal case is forced to apply his common sense in determining what is or is not a "reasonable" doubt; and jurors trying personal injury suits are required to fashion largely out of their own experience standards of "reasonable" care and "reasonable" prudence upon which to base their verdicts.

(3) To charge that the discretion vested in the registrar is arbitrary and uncontrolled is to ignore the procedures provided by Mississippi law. Administrative appeal to a board selected by the State board of election commissioners is given de novo and, on such appeal, the judgment of the registrar is so highly tentative and lacking in finality that it is not even prima facie correct. In every instance his judgment must be one based upon reason, and absolute right of appeal to the courts is also provided. This administrative machinery has the explicit approval not only of Williams, supra, but of *Peay et al v. Cox, Registrar*, 5 Cir., 1951, certiorari denied 342 U.S. 896.

It would be hard to conceive of constitutional provisions which safeguard the rights of applicants for suffrage as well as do the ones under attack. A permanent record is made on forms prepared by State officers and applying uniformly to all applicants, so that anything smacking of discrimination can easily be checked by examination of the public records. This provides a more certain insurance against discrimination than the requirements of original section 244—providing for oral examination—which bears the stamp of plaintiffs' approval. Right of appeal is given not only to rejected applicants but to any member of the public who may think that any applicant has been too generously dealt with.

(4) (a) In an attempt to prove that the purpose, i.e., motive, of the people of Mis-

issippi in amending section 244 of the Mississippi constitution was an evil one, plaintiffs sought to introduce in evidence six photostatic copies of newspaper articles expressing the opinion that the object of the constitutional amendment was "aimed at stemming the tide of Negro voters that is growing up in the State."<sup>18</sup> The amendment was voted upon at an election for various officials, State and Federal. No effort was made to prove that the copies offered were in fact copies of newspapers published at the time and no proof was offered to show that the statements attributed to various individuals were made, or that the opinions were actually expressed.

These articles were permitted to be inserted in the record for whatever value they might have toward proving what the plaintiffs called climate. No statements were attributed to State officers and the articles purported to express only sentiments which were alleged to be entertained by the private citizens to whom they were attributed. The articles possessed little, if any, probative value.

(b) Plaintiffs also obtained by subpoena copy of an issue of the *Clarion Ledger*, a newspaper published in Jackson, Miss., containing an article by Charles M. Hills in which the number of Negroes supposedly qualified and registered in various counties of the State was discussed. The article showed that Jefferson Davis County had, in 1954, 1,221 registered Negro voters. Hills was offered by plaintiff as a witness and asked as to the correctness of his figures. He replied that he had no personal knowledge at all and no information except what he had obtained, as the article set forth, from the Mississippi Citizens' Council. The figures could have been nothing but an estimate, as the registration records omit entirely any reference to the race of a registrant; but the article was received as a part of the record for whatever probative value it might have.

If the article should be accepted as dependable and as competent proof, some interesting comparisons might be made. In Jefferson Davis County 926 electors cast their ballots in favor of the constitutional amendment<sup>19</sup> and 278 against it. Plaintiffs' newspaper article showed that 54 Negroes were registered voters in Itawamba County; in voting on the amendment, 228 citizens of that county voted for the amendment and 1,248 voted against it. The article reflected

<sup>18</sup> Five of these were assumed copies of one daily newspaper, including two excerpts from editorials, two news stories about the impending election, and one news story about the formation of a citizens' council in a Mississippi county. Each contained the expression of the opinion that the amendment was intended to limit Negro registration. This quotation from one of the editorials is typical:

"The second proposed amendment would tighten up the State's voter-registration requirements to curb registration of near-illiterates. \* \* \* The proposed change is wise, desirable, and very timely. \* \* \* Adoption of this amendment, and fair and uniform application of the new voter-registration requirements, over the years would steadily raise the average educational qualifications and intelligence of our citizens. It would also curb the registration of members of groups most likely to engage in bloc voting and we believe that adoption of this amendment would, over a long period, help win the fight to retain our separate school system and social institutions."

The remaining newspaper article was a news story in another newspaper dealing largely with activities of citizens' councils.

<sup>19</sup> The figures are obtained from Mississippi Official and Statistical Register, 1956-60, p. 397.

that 4 Negroes were registered in Pontotoc County; the vote in that county was 339 for the amendment and 1,371 against. Speculation engendered by the article would lead to the conclusion that the adoption of the amendment by well over a 2 to 1 majority statewide did not follow at all the pattern of race registration which plaintiffs attempt to ascribe to it.<sup>20</sup>

(c) Plaintiffs, pursuing further the argument that the purpose of amending section 244 was to fashion tools the better to discriminate against Negro applicants, list a number of statutes passed by the Mississippi Legislature in 1954, 1955, and 1956 dealing with the public schools and with other aspects of what plaintiffs term "the State's declared policy of preserving segregation." If we should be tempted to accept guilt by association as a proper basis for condemning State action, it would not apply here, because the attack plaintiffs make here is basically upon a constitutional amendment enacted by vote of the people themselves. It was submitted at a time when only one other amendment was on the ballot and that had to do with a technical point applying to corporate procedures. The argument, like those which precede it, is lacking in force.

(5) (a) Having failed to produce any tangible proof to sustain this position, plaintiffs finally call upon us to supply the lack by judicial notice. In other words, we are importuned to rule without proof that, on its face or by reason of its unrevealed sinister purpose, the constitutional amendment is void. The showing before us wholly fails to warrant serious consideration of so condemning a whole people, which is what we would have to do if we accepted plaintiffs' argument. Neither proof nor judicial knowledge tend to sustain plaintiffs' position.

Even if we had such knowledge by some sort of occult power of divination, we would not have the competence to do what plaintiffs advocate. No case is cited as a precedent for such action, and no proof is offered to sustain it. If we should imagine ourselves possessed of such omniscience and omnipotence, we would find ourselves confronted by a vast array of authority which forbids questioning the motives even of a legislature, certainly of a sovereign people.

(b) Commenting upon the immunity of State legislators from having their motives scrutinized, Judge Learned Hand,<sup>21</sup> exclaims: "but of all conceivable issues this would be the most completely 'political,' and no court would undertake it."<sup>22</sup> He also quotes Chief Justice Taney's statement in the *License*

<sup>20</sup> Plaintiffs seek to draw an unfavorable inference against defendants from the fact that Governor Coleman declined to honor a subpoena issued by them. This was in keeping with the general law and the traditional policy of governors in Mississippi and in States generally. The Court offered to have Mr. Patterson, a member of the same Commission with the Governor, submitted to examination by plaintiffs, but plaintiffs did not choose so to proceed. It was clear that the testimony which plaintiffs sought to elicit from the Governor was hearsay and undependable because the figures were derived from a letter poll made of registrars which turned out to be incomplete. Plaintiffs had ample opportunity to attempt to make the desired proof by the registrar of Jefferson Davis County in 1954, or to proceed by interrogatories, request for admission, or the other avenues provided in F.R.C.P., but they did not do so.

<sup>21</sup> The Bill of Rights, supra, p. 46.

<sup>22</sup> Citing *McCulloch v. Maryland*, 4 Wheat, 316, 423; *Doyle v. Continental Ins. Co.* 94 U.S. 535, 541; *Weber v. Freed*, 239 U.S. 325, 330; *Arizona v. California*, 283 U.S. 423, 435; *Daniel v. Family Insurance Co.*, 336 U.S. 220, 224.

<sup>15</sup> *Roth v. United States*, 1957, 354 U.S. 476.

<sup>16</sup> *Labor Board v. Truitt Manufacturing Co.*, 1956, 351 U.S. 149.

<sup>17</sup> In *Adamson v. California*, 332 U.S. 46, it is demonstrated by the four exhaustive opinions that the Judges of the Supreme Court differ radically as to what the quoted words mean.



cases (5 How. 504, 583): "Upon that question the object and motive of the States are of no importance, and cannot influence the decision. It is a question of power." Mr. Justice Douglas, in *Ferandez v. Wiener*, 326 U.S. 340, quoted the language of Chief Justice Stone in *Sonzinsky v. United States* (1937, 300 U.S. 506, 513): "Inquiry into the hidden motives which may move Congress to exercise a power constitutionally conferred upon it is beyond the competency of the courts." Upon a principle so unquestionable it is sufficient to add to the cases already cited a list of more recent decisions affirming it.<sup>23</sup>

We hold, therefore, that plaintiffs have wholly failed to establish that the amendment to section 244 of the Mississippi constitution of 1890 is void on its face or because it was the product of base motives. We hold, on the other hand, that said amendment and the statutes passed in connection with it are valid on their face and in fact, and are a legitimate exercise by the State of its sovereign right to prescribe and enforce the qualification of voters.

### III

(1) This brings us to the contention that plaintiffs, along with other Negroes, were actually discriminated against in the administration of the constitution and laws of Mississippi by defendant Daniel. If such discrimination was practiced against plaintiffs, the actions of defendant would certainly come under the condemnation of the 15th amendment, or the 14th amendment, or both. Plaintiffs put on the witness stand a number of other Negroes, but we look first to their own testimony to determine if either plaintiff proved that he was qualified to register under the constitution and laws of Mississippi and was denied registration because of his race.

Plaintiff Dillon, conceding that she was properly given the written test provided by the amendment, failed to produce a copy of that test for the court's inspection. She did not demonstrate in her oral testimony the possession of the qualifications provided in the Mississippi constitution and statutes, and there is no proof at all, therefore, that she had any status to maintain this action.

According to the testimony of his attorney, plaintiff Darby approached him in April or May 1956, about the time he wrote President Eisenhower. The attorney called the NAACP which, sometime later, agreed that its legal fund would pay the attorneys and the expense of any litigation which might be brought by Reverend Darby.

This was before his first written application of June 29, 1956, in which he stated that he was a farmer. The application was signed by him but was not filed in. It is not claimed that, in this application or the oral tests which came after it, Plaintiff Darby showed himself qualified to register. The entire case is predicated on the sworn written application of June 22, 1957, which he took under his attorney's advice and direction. This document, read in the light of the testimony of Plaintiff Darby, reveals several deficiencies.

He made no answer to question 14 inquiring if he had ever been convicted of the crimes enumerated in the question; considerable portions of the answers written by plaintiff are illegible. In response to question 18 calling upon him to copy section 123

of the Constitution of Mississippi,<sup>24</sup> he wrote six lines not called for by the question and not possessing marked coherence. In giving his reasonable interpretation of that section he wrote, "the govverner govends all the words of the state and he is to see that all the violatores be punished and aise he can pardon out the penetenter ane pherson." In answering question 20 which directed him to write his understanding of the duties and obligations of citizenship under a constitutional form of government, he wrote five lines which could hardly be called accurate or responsive to the question.<sup>25</sup>

That he could not write legibly is exemplified by examination of the several documents in the record written by him, and is further attested by the fact that the letter he sent the President was written entirely by someone else, including the signature. He did not attempt, while on the witness stand, to demonstrate that he could read. Every other Negro witness he placed on the stand was given a section of the Mississippi Constitution to read before the Court, but plaintiff himself did not attempt to show his ability to read. The evidence does not, therefore, support the burden imposed on the plaintiffs to show that they were qualified to be registered as voters. A fortiori it does not establish that defendant, Daniel, did not act in good faith or exercise a sound discretion when he made his decision that plaintiffs had not passed the examinations given them.

In passing judgment on this phase of the case we cannot leave out of view that defendant, Daniel, knew that he was under surveillance by Federal officials and that he was dealing with one party who was acting under advice of counsel.

It is fundamental that plaintiffs must stand or fall on the merits of their own case. The Supreme Court stated the principle in *McCabe v. A.T. & S.F. Ry. Co.*, 1914, 235 U.S. 151, 162, in these words:

"But we are dealing here with the case of the complainants, and nothing is shown to entitle them to an injunction. It is an elementary principle that, in order to justify the granting of this extraordinary relief, the complainant's need of it, and the absence of an adequate remedy at law, must clearly appear. The complainant cannot succeed because someone else may be hurt. Nor does it make any difference that other persons, who may be injured are persons of the same race or occupation. It is the fact, clearly established, of injury to the complainant—not to others—which justifies judicial intervention." (Citing a number of Supreme Court cases.<sup>26</sup>)

<sup>23</sup> "The Governor shall see that the laws are faithfully executed."

<sup>24</sup> "a citizen is persn has in been in the USA all his days, and is not been convicted of enny crimes and has been loyal. to his country and pase all his tax."

<sup>25</sup> The cases on the subject are collected in an opinion by Chief Judge Hutcheson of the Court of Appeals of the Fifth Circuit in *Brown v. Board of Trustees* (1951), 187 F. 2d 20, 25, where he quoted from several Supreme Court cases. This language is applicable to the case before us: "All of these considerations, however, are completely beside the mark here, for plaintiff has wholly failed to plead or prove any deprivation of his civil rights and it is elementary that he has no standing to sue for the deprivation of the civil rights of others."

\* \* \* \* \*

"It is the individual who is entitled to the equal protection of the laws, and if he is denied \* \* \* a facility or convenience \* \* \* which, under substantially the same circumstances, is furnished to another trav-

(2) Plaintiffs served subpoenas on 25 Negro witnesses, of whom 15 were placed upon the stand. Despite the principles last above quoted and such cases as *Reddix v. Lucky* (5 Cir., 1958), 252 F. 2d 930, 938, holding that "obviously the right of each voter depends upon the action taken with respect to his own case," we permitted this testimony to be introduced over objection to give plaintiffs a chance to show that there was a class whose rights they might carry if they established their own case, and also that the testimony might be considered as furnishing circumstantial evidence of discrimination in favor of the case of plaintiffs. Although some of the written applications exhibited in connection with the testimony of these witnesses were sufficient to raise an issue of fact as to their qualifications, it is not our province to set ourselves up as registrar of voters.

Some of the testimony certainly demonstrated the absence of qualifications of the applicants. For example, when called upon by question 18 to copy section 198 of the Mississippi constitution, Johnnie B. Darby, Plaintiff Darby's wife, wrote: "I have so agreed to be as good a citizen as I possible can I have not yet read the constitution of Mississippi I do try to abide by truth and right as the Almighty God provide the understanding and wisdom."

Another witness called upon to copy section 16 of the constitution<sup>27</sup> wrote: "Ex post facto laws or laws impairing obligations contrace St. Shall Be passed." Interpreting that section this same witness wrote: "a man must pay paid tax befor he eagable to voat." This witness gave his occupation as that of teacher.

None of these witnesses took appeals from Daniel's ruling declining to permit them to register. Four of the 15 passed the written examination, and of those who failed the wives of 2 passed. He gave the test to some of the witnesses as many as four times and he invited plaintiff Dillon to come back and try again. The testimony of these witnesses adds little to the solution of the problem before us.

(3) Plaintiffs introduced one bound volume containing 78 original applications. The documents do not show whether the applicants were white or colored. It seems probable that the purpose of introducing this volume was to show that, during this period, all applicants were required to take the written examination, whereas under the constitutional amendment those who were registered voters on January 1, 1954, were required to take only the oral test habitually given under the original constitution. This does not prove anything which was not readily admitted by Defendant Daniel. From the time Daniel came into office January 1, 1956, until the attorney general of Mississippi advised him of his error he had been using the forms furnished him by the State election commissioners and testing all applicants by written examination. As far as the testimony goes none had objected. The point of this testimony, however, is that undisputedly white and colored were treated exactly alike. Since, according to the undisputed proof, there were only 40 to 50 Negro voters registered in the

eier, he may properly complain that his constitutional privilege has been invaded.

"Cf. *Sweatt v. Painter*, 339 U.S. 629, 635, 70 S. Ct. 848, 851, where the Court said: 'It is fundamental that these cases concern rights which are personal and present. \* \* \* petitioner's right was a personal one. It was as an individual that he was entitled to the equal protection of the laws.'"

<sup>27</sup> "Ex post facto laws, or laws impairing the obligation of contracts, shall not be passed."

<sup>23</sup> *Cohen et al. v. Beneficial Industrial Loan Corp.*, 1949, 337 U.S. 541, 552; *Goesaret v. Cleary*, 1948, 335 U.S. 464, 467; *Oklahoma ex rel. Phillips v. Atkinson*, 1940, 313 U.S. 508, 528; *United States v. Darby*, 1941, 312 U.S. 100, 115; *Child Labor case*, 1922, 259 U.S. 20, 39; *Daniel v. Family Insurance Co.*, 336 U.S. 221; and *Doyle v. Continental Insurance Co.*, 94 U.S. 535.



county, the 78 applicants, all of whom passed necessarily included some white people.

The wrongful interpretation or the misapplication of Mississippi law alone would not give this Court jurisdiction or amount to deprivation of any constitutional rights. Under this phase of the case discrimination alone resulting from the fact that plaintiffs are Negroes can justify maintaining the action or granting the relief sought. The Supreme Court announced the principle in explicit terms in *Snowden v. Hughes*, et al. 1944, 321 U.S. 1, 8 (a case in which *Williams v. Mississippi*, supra, was cited with approval) where the dismissal of an action for want of jurisdiction was approved where a candidate for office sought equitable relief against party, officials who refused to certify him as a candidate. The language quoted in the margin controls here.<sup>28</sup>

The essence of the action before us, therefore, is discrimination on the part of the defendant Daniel—discrimination against plaintiffs, Negroes, and in favor of white persons. After listening to the oral testimony and examining the documents carefully we are unable to find any tangible or credible proof of discrimination. There is no proof that any white person was ever treated in any manner more favorably than plaintiffs or any other Negroes. The mere showing that of 3,000 qualified voters in Jefferson Davis County, only 40 to 50 are Negroes is not sufficient. Plaintiffs carry the burden of showing that plaintiffs have been denied the right to register because they are Negroes, and that white people similarly situated have been permitted to register. This record contains no such proof. The disparity between numbers of registrants, as has been so often pointed out, results doubtless from the fact that one race had a start of several centuries over the others in the slow and laborious struggle toward literacy. This records does not, in our opinion, show that defendant has practiced discrimination. From our observation of his demeanor during the trial and while on the witness stand and of the evidence generally we are convinced that he has shown himself to be a conscientious, patient, and fair, public official, exerting every effort to do a hard job in an honorable way.

IV

Plaintiffs aver in their complaint that they have a right to maintain this action without exhaustion of the administrative remedies provided under Mississippi law. They base this contention upon the provisions of 42 United States Code Annotated, paragraph 1971(d), upon their charge that "where the plaintiff challenges the constitutionality of a State statute or policy, a Federal court will not require the exhaustion of administrative remedies;" and upon their as-

sertion that "plaintiff here seasonably attempted to exhaust his administrative remedies and was unable to obtain a decision by the board of election commissioner." These contentions will be discussed in reverse order.

(1) Mississippi's election machinery is under the supervision of the State board of election commissioners, consisting of the Governor, the secretary of state, and the attorney general.<sup>29</sup> This board is required,<sup>30</sup> 2 months before every general election of Representatives in Congress, and of electors of President and Vice President of the United States \* \* \* [to] appoint the commissioners of election for each county." The absolute right of appeal to the county board is given in words reproduced in the margin.<sup>31</sup> Hearings on appeal are provided for by section 3227 of the Mississippi Code (appearing first in the Mississippi Code of 1892) entitled "Appeal Heard De Novo:"

"All cases on appeals shall be heard by the boards of election commissioners de novo, and oral evidence may be heard by them; and they are authorized to administer oaths to witnesses before them; and they have power to subpoena witnesses, and to compel their attendance; to send for persons and papers; to require the sheriff and constables to attend them and to execute their process.

The decisions of the commissioners in all cases shall be final as to questions of fact, but as to matters of law they may be revised by the circuit and supreme courts. The registrar shall obey the orders of the commissioners in directing a person to be registered, or a name to be stricken from the registration books."

Sections 3228, 3229, 3230, and 3231 provide for hearing of the appeal by the circuit court of the county. The right of appeal to the supreme court is given.

The evidence does not show that plaintiff Darby "was unable to obtain a decision by the board of election commissioners." It does show that he seasonably appealed to the county board of election commissioners, thus electing to proceed by statutory appellate procedures, but that he failed to follow them through. On the other hand, he began this civil action 4 days before the first meeting of the board held after his appeal. The appeal is still pending and undisposed of.<sup>32</sup> Plaintiffs' first assigned reason is, therefore, without merit.

<sup>28</sup> Mississippi Code of 1942, sec. 3204.

<sup>29</sup> Ibid., sec. 3205.

<sup>31</sup> Ibid., sec. 3224 provides that: "Any person denied the right to register as a voter may appeal from the decision of the registrar to the board of election commissioners by filing with the registrar, on the same day of such denial or within 5 days thereafter, a written application for appeal."

Sec. 3225 provides: "Any elector of the county may likewise appeal from the decision of the registrar allowing any other person to be registered as a voter; but before the same can be heard the party appealing shall give notice to the person whose registration is appealed from, in writing, stating the grounds of the appeal; which notice shall be served by the sheriff."

<sup>32</sup> Meetings of the board are fixed by three Mississippi statutes: Section 3239 of the Mississippi Code of 1942, first passed in 1880, provides for a meeting "On the first Monday of October preceding a general election, and 5 days before any other." There was no general or other election in Mississippi during 1957. Section 3226 first passed in 1892, provides for meetings on the first Monday in October after appointment. The reason for this statute is that the time of appointment of the board is indefinite under section 3205, supra. The board had been appointed in 1956 and had held a meeting in October of

(2) The cases cited by plaintiffs<sup>33</sup> do not sustain their contention that it is not necessary to exhaust administrative remedies where the claim is asserted that constitutional rights have been violated.

There are decisions<sup>34</sup> holding that, where an appeal presents only matters of law, the court may intervene without awaiting action by the intermediate administrative board which had no power to pass upon legal questions. But such cases do not control here. The written appeal of Plaintiff Darby on June 24, 1957 was a general appeal, and the writing which accompanied it, states that he had on June 22, 1957 presented himself to the registrar, making application to register as a voter "whereupon such instance notwithstanding that I did then and do now possess the necessary qualifications to register, I was denied registration." A letter from his attorney dated September 21, 1957 states that "He has been denied the right to register to vote, notwithstanding that he was then and is now possessed with the necessary qualifications for same." The formal "contentions" filed by said plaintiff October 7, 1957 raised constitutional questions, but also reiterated the questions of fact theretofore relied upon, to wit: that Defendant Daniel was administering the constitutional and statutory provisions of Mississippi in such a manner as to discriminate against him, and that he was a duly qualified and registered voter in Mississippi prior to January 1, 1954, and was entitled to registration without complying with the additional qualifications contained in the amendment to the Constitution. In this state of the record and under the complaint, it is clear that plaintiffs' challenge did not relate to questions of law only. We repeat what the court of appeals for the fifth circuit said in *Peay v. Cox*, supra:<sup>35</sup> "The commissioners are sworn officers and presumably will give them a fair hearing. They may easily think the petitioners are right in their construction of the Mississippi constitution. \* \* \* If they hold otherwise on that point but that a discrimination is practiced, they may correct that. The registrar is bound to obey them." The second ground asserted by plaintiffs is, therefore, untenable.

(3) Finally, plaintiffs, claim to be exempted from Mississippi procedural laws relating to registration and appeal therefrom, basing their contention upon the act of Congress approved September 9, 1957 (Public Law

that year. This statute does not apply to any year except the year of their appointment.

The Mississippi Legislature of 1938 passed a new statute, now section 3240 of the code, requiring that the board meet every year on the Tuesday after the third Monday in March, and this is the general meeting. The statutes provide an understandable and reasonable time for the meeting of the board so that an elector desiring to register may not miss any election, and plaintiff and his attorney were advised by the statutes and by the word of the Registrar of the date the board would meet. Instead of attending the meeting of the board and prosecuting the appeal they had begun, they filed this civil action.

Plaintiff Rutha Dillon testified that she did not appeal at all.

<sup>33</sup> E.g., *Gibson v. Board of Public Instruction of Dade County*, 5 cir., 1957, 246 F. 2d 913, which holds premature the contention that schoolchildren did not pursue administrative remedies where the Florida constitution made nonsegregated schools illegal.

<sup>34</sup> E.g., *Bruce et al. v. Stilwell et al.*, 5 cir., 1953, 206 F. 2d 554.

<sup>35</sup> 1951, 190 F. 2d 123, 126, certiorari denied 342 U.S. 896.

<sup>28</sup> "But not every denial of a right conferred by State law involves a denial of the equal protection of the laws, even though the denial of the right to one person may operate to confer it on another. \* \* \* And where the official action purports to be in conformity to the statutory classification, an erroneous or mistaken performance of the statutory duty, although a violation of the statute, is not without more a denial of the equal protection of the laws."

"The unlawful administration by State officers of a State statute fair on its face, resulting in its unequal application to those who are entitled to be treated alike, is not a denial of equal protection unless there is shown to be present in it an element of intentional or purposeful discrimination. \* \* \* But a discriminatory purpose is not presumed, *Tarrance v. Florida*, 188 U.S. 519, 520; there must be a showing of 'clear and intentional discrimination,' *Gundling v. Chicago*, 177 U.S. 183, 186."



85-315, pt. IV, sec. 131(d))<sup>36</sup> Plaintiffs would construe the words "shall have exhausted any administrative or other remedies that may be provided by law" as permitting interception of the State remedy of appeal already begun and carried through by Darby to a point just short of hearing before the county commissioners; and as relieving Plaintiff Dillon of having taken the first step toward appeal, or having made any move at all until more than 2 years after her application had been rejected by the registrar.

The mechanics set up by Mississippi to determine which applicants are qualified to register embrace three steps: written application, which is passed upon by the registrar; appeal from his ruling by the applicant or any other citizen and full hearing before the county board; and appeal to the circuit court of the county. The Court of Appeals for the Fifth Circuit, in *Pey v. Cox, Registrar* (190 F. 2d at p. 126; certiorari denied, 342 U.S. 896), classified even the step carrying the controversy before the courts as administrative under the authority of *Federal Railroad Commission v. General Electric Co.* (281 U.S. 464). To short-circuit the admittedly administrative proceedings short of a hearing and decision by the county board would be not only to deny exhaustion of administrative remedies, but to stop them before they had begun. Such a conclusion is compelled if two key words of the new Federal statute, "remedy" and "exhaust," are given their normal meaning.

"Exhaust" means to "use up, to expend completely."<sup>37</sup> "Remedy" is defined as "something that corrects, counteracts or removes an evil or wrong; relief; redress."<sup>38</sup> To sustain plaintiffs' position would be to shut off all State action aimed at providing a remedy, at redress. But the words of the statute contemplate that the State be given a chance to "correct" the asserted "wrong." It is difficult to perceive how these words of the statute can be given any efficacy at all or how the constitutional scheme can be fulfilled if Federal competence is to be construed as displacing State power in this vital field before the State is permitted to take the first step toward furnishing an administrative "remedy."

The meaning of the quoted words must be determined in the light of State and Federal competence as established by the Constitution as construed by the Supreme Court. In balancing the rights of a plaintiff to the protection of the Constitution and the power of a State over suffrage, it is well to keep in mind what the Supreme Court said in *Guinn, supra*, to the effect that "without the possession of which power the whole fabric upon which the division of State and national authority under the Constitution and the organization of both governments rests would be without support and both the authority of the Nation and State would fall to the ground." The State of Mississippi had plenary and exclusive power to fix the qualifications of voters. More than that, it had and must have the power to provide machinery for its enforcement. The machinery provided by it contemplates the relatively ministerial act of registration by the registrar. The heart of Mississippi's machinery lies in the right of any person to appeal to the county election commission.

That body alone has the power to have a hearing, to consider evidence, to give the time and study incident to a considered conclusion. Its findings and orders are absolutely binding upon the registrar. To take from this administrative scheme the duties conferred on this Board would be to render sterile the undoubted exclusive power of a State over suffrage.

The Supreme Court of the United States has throughout its history recognized the rule that administrative proceedings must be exhausted, and it has been particularly punctilious in requiring the exhaustion of administrative remedies provided by the States.

We are confronted here with the necessity of deciding the point at which a Federal court would be warranted in interrupting administrative procedures—that is, what the statute under consideration means by exhaustion of administrative remedies. The Supreme Court, in handling an action for declaratory judgment in a district court under the Renegotiation Acts, used this language concerning administrative remedies, affirming the act of the district court in declining jurisdiction.<sup>39</sup> "Ordinarily of course issues relating to exhaustion of administrative remedies, as a condition precedent to securing judicial relief, and to the existence of jurisdiction in equity are either separate or separable matters, to be treated as entirely or substantially distinct. The one generally speaking is simply a condition to be performed prior to invoking an exercise of jurisdiction by the courts. The other goes to the existence of judicial power in the basic jurisdictional sense. \* \* \*

"\* \* \* The doctrine, wherever applicable, does not require merely the initiation of prescribed administrative procedures. It is one of exhausting them, that is, of pursuing them to their appropriate conclusion and, correlatively, of awaiting their final outcome before seeking judicial intervention."

The solicitude habitually manifested by the Supreme Court in its traditional dealing with State matters before administrative agencies is well illustrated by the language used in *Alabama Public Service Commission et al. v. Southern Railway Company*, 1951, 341 U.S. 341, 349-350: "As adequate State court review of an administrative order based upon predominantly local factors is available to appellee, intervention of a Federal court is not necessary for the protection of Federal rights. Equitable relief may be granted only when the District Court, in its sound discretion exercised with the 'scrupulous regard for the rightful independence of State governments which should at all times actuate the Federal courts,' is convinced that the asserted Federal right cannot be preserved except by granting the 'extraordinary relief of an injunction in the Federal courts.' Considering that '(f)ew public interests have a higher claim upon the discretion of a Federal chancellor than the avoidance of needless friction with State policies,' the usual rule of comity must govern the exercise of equitable jurisdiction by the District Court in this case. Whatever rights appellee may have are to be pursued through the State courts."

And in *Hecht Co. v. Bowles*, 1944, 321 U.S. 321, 329-330, the Court upheld the refusal of a District Court to grant an injunction using this language: "We cannot but think that if Congress had intended to make such a drastic departure from the traditions of equity practice, an unequivocal statement of its purpose would have been made."

<sup>39</sup> *Aircraft & Diesel Corp. v. Hirsch*, 1947, 331 U.S. 752, 764, and 767; and cf. *United States v. Abilene & So. Ry. Co.*, 265 U.S. 274; *United States v. Sing Tuck*, 194 U.S. 161; and *Gonzales v. French*, 164 U.S. 338.

"\* \* \* We do not believe that such a major departure from that long tradition as is here proposed should be lightly implied."

"\* \* \* Neither body [that is, administrative and court] should repeat in this day the mistake made by the courts of law when equity was struggling for recognition as an ameliorating system of justice; neither can rightly be regarded by the other as an alien intruder."

It seems reasonable that, as applied to the Mississippi statutes under the facts of this case, the exhaustion of administrative remedies provided in the quoted Federal statute should, in any event, be held to exist only after the appellate proceedings before the county election commissioners have been completed. Such a course would give full protection to the rights of plaintiffs, affording them remedy in the Federal courts at the point where the administrative process is by Mississippi statutes committed to the courts. That is consistent with the holding of the Supreme Court in *Lane v. Wilson, supra*.<sup>40</sup> "To vindicate his present grievance the plaintiff did not have to pursue whatever remedy may have been open to him in the State courts. Normally, the State legislative process, sometimes exercised through administrative powers conferred on State courts, must be completed before resort to the Federal courts can be had. \* \* \* But the State procedure open for one in the plaintiff's situation \* \* \* has all the indicia of a conventional judicial proceeding and does not confer upon the Oklahoma courts any of the discretionary or initiatory functions that are characteristic of administrative agencies. \* \* \* Barring only exceptional circumstances, \* \* \* resort to a Federal court may be had without first exhausting the judicial remedies of State courts." The exercise of such a discretion comports with the holdings of a long line of decisions of the Supreme Court.<sup>41</sup> And compare the language and action in *Lane, supra*, with that in *Alabama Public Service Commission, supra*.

We think the foregoing reasoning is sound, but we do not have to rest this phase of the decision upon it because it is quite clear that this case is not governed by the quoted provisions of the act of September 9, 1957. By its terms it applies only to "proceedings instituted pursuant to this section." Subsection (d) appears as a part of the Civil Rights Act of 1957 bearing the heading: "Section 131." That section creates procedures theretofore unknown and vests the Attorney General of the United States with power to institute legal proceedings for private individuals. It is manifest that subsection (d) applies only to actions so instituted. It follows that plaintiffs cannot maintain this action for the additional reason that they failed to pursue the reasonable and adequate administrative remedies provided by Mississippi law.

Plaintiffs attack the constitutionality of the Mississippi statutes covering champerty and maintenance, section 2049-01 through section 2049-08 of the Mississippi Code of 1942, this portion of the action being directed chiefly against defendant Patterson, attorney general of Mississippi. The complaint alleges that the defendant attorney general threatens to enforce as against the plaintiffs and their attorneys the provisions of these statutes and that, as the result of

<sup>40</sup> 307 U.S. at 274.

<sup>41</sup> *Burford et al. v. Sun Oil Co. et al.*, 1943, 319 U.S. 315; *Railroad Commission of Texas v. Pullman Co.*, 1941, 312 U.S. 496; *Meyers v. Bethlehem Shipbuilding Corp.*, 303 U.S. 41; *Prentiss et al. v. Atlantic Coast Line Co.*, etc., 1908, 211 U.S. 210, and cases cited. And see also *Peay v. Cox, supra*; *Cook v. Davis*, 5 Cir., 178 F. 2d 595; and *Bates v. Batte*, 5 Cir., 187 F. 2d 142.

<sup>36</sup> The section now codified as 42 U.S.C.A., par. 1971(d), reads as follows: "The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law." [Emphasis added.]

<sup>37</sup> Webster's New World Dictionary, p. 509.

<sup>38</sup> *Ib.*, p. 1230.



said threats, plaintiffs and their attorneys are suffering irreparable injury. Plaintiffs' evidence wholly failed to sustain these charges of the complaint. In fact, that evidence showed without dispute that no such threats had been made and that no action was taken or within contemplation which could in any way affect the welfare or the rights of plaintiffs or their attorneys. The statutes have not been passed upon by the courts of Mississippi. Since the evidence fails to establish that any controversy exists between plaintiffs and either defendant with respect to said statutes, and in view of the long line of Supreme Court decisions committing such matters at least primarily to State court action, *Amalgamated Clothing Workers of America v. Richmond Bros.*, 348 U.S. 511; *Stefanelli v. Minard*, 342 U.S. 117; *Douglas v. City of Jeanette*, 319 U.S. 157; and *Watson v. Buck*, 313 U.S. 387, and cf. 28 U.S.C.A. No. 2283, plaintiffs cannot maintain this phase of their complaint.

It results from the foregoing views that plaintiffs are not entitled to any of the relief sought. We are, therefore, entering an order dismissing the complaint.

Dismissed.

(This opinion issued Nov. 6, 1958.)

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2319) for the relief of Sergiusz Rudzenko.

The message also announced that the House had agreed to the amendments of the Senate to the amendment of the House to the bill (S. 2162) to provide a health benefits program for Government employees.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 47. An act to amend the Internal Revenue Code of 1954 to provide a personal exemption for children placed for adoption; and

H.R. 6059. An act to provide additional civilian positions for the Department of Defense for purposes of scientific research and development relating to the national defense, to improve the management of the activities of such Department, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 6067) to amend section 4544 of the Revised Statutes of the United States to provide that, if the money and effects of a deceased seaman paid or delivered to a district court do not exceed in value the sum of \$1,500, such court may pay and deliver such money and effects to certain persons other than the legal personal representative of the deceased seaman.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the

following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 1436. An act to amend the act of June 14, 1926, as amended by the act of June 4, 1954 (68 Stat. 173; 43 U.S.C., sec. 869);

S. 2230. An act to amend the National Cultural Center Act;

S. 2445. Authorizing the conferring of the degree of master of arts in education on certain students who enrolled in the District of Columbia Teachers College prior to July 1, 1958, and who, prior to July 1, 1961, are certified by the president and faculty of such college as having met all requirements for the granting of such degree;

S. 2517. An act to amend section 7 of the Federal Home Loan Bank Act, as amended; and

S.J. Res. 103. Joint resolution authorizing the National Geographic Society to erect a memorial on public grounds in the State of Virginia to honor Rear Adm. Richard E. Byrd.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. McNAMARA. Mr. President, many of us in the Senate—I like to think it is a majority—had hoped that we would come to grips during this session with definitive legislation in the civil rights field.

It was our desire to build upon the foundation we laid in the Civil Rights Act of 1957 to erect new safeguards for the basic civil and human rights of all Americans.

Unfortunately, on the eve of adjournment, it is obvious that our desire is not going to be fulfilled this year.

I would not like the Nation to feel, however, that this failure to act in the civil rights field resulted from any lack of interest or purpose on our part.

Rather, it resulted primarily from the same parliamentary obstacles that, until 1957, had prevented legislation to insure civil rights for nearly 90 years.

There is first the great obstacle of getting committee action on civil rights bills. And even should that achievement be obtained, there is still the threat of the filibuster, despite the token change this year in the filibuster rule.

Thus we are permitted this year to act only on the relatively simple task of extending the Commission on Civil Rights for another 2 years.

And even that rather innocuous proposal is being greeted with sharp and extended debate.

To my mind, however, the debate on extension of the Civil Rights Commission is achieving two meritorious goals.

First, it has drawn assurances from the Senate leadership that the full Senate definitely will have the opportunity next year to express its will on the subject of civil rights legislation.

So, while we regret that we did not have the opportunity for action this year, we at least have the satisfaction of knowing that next year we will be able to present our case to the Congress and to the country.

We hope, of course, that this opportunity will come at a very early date, after

Congress reconvenes on January 6, 1960.

The other achievement of this debate, as I see it, is that it has called much-deserved attention to the Civil Rights Commission, its work in recent months, and its report.

I have the feeling that had not the issue of extending the life of the Commission come up, the report would have been noted briefly, and then forgotten.

In reading portions of this report, I have been pleased with the manner in which it grasps the interlocking nature of civil rights problems.

It notes, for example, that solving one problem does not automatically clear up others. The report states, in part:

If the right to vote is secured, but there is not equal opportunity in education and housing, the value of that right will be discounted by apathy and ignorance. If compulsory discrimination is ended in public education, but children continue to be brought up in slums and restricted areas of racial concentration, the conditions for good education and good citizenship will still not obtain.

If decent housing is made available to nonwhites on equal terms but their education and habits of citizenship are not raised, new neighborhoods will degenerate into slums.

Particularly impressive, too, is the call upon the leadership of America in the report's statement that:

To eliminate discrimination and demoralization, some dramatic and creative intervention by the leaders of our national life is necessary. In the American system much of the action needed should come from private enterprise and voluntary citizens' groups and from local and State governments. If they fail in their responsibilities the burden falls unduly on the Federal Government.

To me, this means that all America, from the White House on down, must take a much more active and constructive part in meeting these problems than has been the case in the past.

I should like to take this opportunity to congratulate Dr. John A. Hannah, president of Michigan State University, for the fine job he has done as Chairman of the Civil Rights Commission.

#### A NATION OF ECONOMIC ILLITERATES

Mr. BUTLER. Mr. President, as a member of the Joint Economic Committee, I have become increasingly concerned with the lack of a basic understanding of the American free enterprise system on the part of our younger people. Recently an article on this subject by the well-known columnist, Sylvia Porter, appeared in the Washington Evening Star. It is so clearly directed to the problem which confronts all of us that I ask unanimous consent that it may be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### NATION OF ECONOMIC ILLITERATES (By Sylvia Porter)

In Congress today policies vitally affecting the survival of our economic system are being made by economic illiterates.

In business board rooms and union meeting halls across the Nation decisions directly involving jobs are being made by men who



bills proposes emergency assistance over a 5-year period and the other over a 4-year period.

Notwithstanding the editorial comment that it is an "unsupportable assumption" to declare legislatively or otherwise that "the States are not able to finance the schools themselves," there is ample evidence that "conservative" Republican Senators as well as "liberal" Democratic Senators believe the problem of classroom shortages does exist and that the Federal Government must be put in a position to be able to help the school districts at the local level in the financing of construction to overcome these deficiencies.

There is published, too, in your editorial the statement that advocates of Federal aid to education "write into their aid proposals meaningless declarations that the Federal Government is not to interfere in school management by virtue of any financial contribution it might make." Your terming such declarations in legislation to be "meaningless" is an obvious exaggeration which shows lack of faith in the ability of the democratic process to administer our laws properly and adequately.

In any event, the Morton bill, in which the Republican national chairman is joined by seven of his senatorial colleagues on his side of the aisle, and the Cooper-Javits measure, as well as the McNamara-Hart proposal, all contain a section entitled "Assurance Against Federal Interference in Schools," and each of the three bills contains identical language in this respect, to wit:

"In the administration of this act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system."

This country has provided by law for substantial Federal aid to schools in numerous forms for many years. Our great land-grant universities were established with Federal funds realized from the sale of Federal lands in the middle of the last century. And the sole measure of Federal control is such that the land-grant universities must maintain a Reserve Officers Training Corps. More recently the Federal Government has entered the field of education in a variety of ways—from the tuition payment program of the GI bill to grants-in-aid and the underwriting of research programs at many of our colleges and universities.

I cannot subscribe to the thesis that Federal assistance would be absolutely followed by Federal control over local administration or curriculum. History proves this to be a false assumption.

With kind regards and best wishes, I am,  
Sincerely yours,

JENNINGS RANDOLPH.

Mr. MORSE. Mr. President, as a member of the Committee on Labor and Public Welfare, and as one interested in education matters, I am very glad the Senator from Texas has introduced this bill. As a member of that committee I shall urge the earliest possible hearings in January on the bill, and by that I mean I hope the committee will go to work on it within the first 2 weeks, because the objective of the bill of the Senator from Texas should be a part of any education program the committee reports to the Senate next year.

In this matter I find myself in such complete agreement with the Senator from Texas that I want the RECORD to show I highly compliment him for the educational statesmanship which he has portrayed in the bill which he has just introduced.

Mr. JOHNSON of Texas. Mr. President, I thank my friend from Oregon. I hope when we return in January the committee of which he is a member will immediately hold hearings and try to improve the bill in any way that seems necessary.

Mr. KEATING. Mr. President, I desire to add a word of commendation to our distinguished majority leader for the introduction of this measure dealing with loans to college students.

I have felt for some time that this is the appropriate and the best way to be of assistance to our young people in furthering their education. I was particularly impressed with the distinguished majority leader's reference to the building of character, because while we are helping these people to get an education, we can build their character.

I wish to add to the comment made by the distinguished majority leader that I introduced a measure somewhat akin to this some 6 or 8 months ago. I had a considerable survey made of the results of private learning institutions, and it was found that these private institutions, similar to the strong Foundation located in the city of Washington, which have loaned funds to young people to get an education, have had a surprisingly good return. Practically never have they had a loan go bad. The young people over a period of time do pay back these loans, which are made on modest terms, and most of them have told me that when they pay them back they are grateful for the feeling engendered in them that they have been responsible for getting their own education.

I shall be delighted to work with the majority leader in any small way I can to try to bring about enactment of a measure along the lines he has outlined.

Mr. JOHNSON of Texas. I deeply appreciate the statement of the Senator from New York. I welcome his assistance.

Mr. McCARTHY. Mr. President, I wish to join with my colleague in commending the majority leader on the program he has just outlined to the Senate, to indicate my support of the program, and to express the hope that we will proceed early in the next session to final action in the Senate.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the bill may remain at the desk for the remainder of the day, so that any Senator who desires to support or cosponsor it may have the privilege of doing so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I prepared the bill several months ago. I had planned to present it and had hoped it would be considered during this session. But during that time my colleague the able junior Senator from Texas [Mr. YARBOROUGH] had prepared a bill which I helped to bring before the Senate. It was a rather comprehensive education bill. Due to the above situation and the fact that the Senator from Michigan [Mr. McNAMARA] had a bill which was being considered in the committee, I thought it the better part of

wisdom to introduce my bill today, with the thought that it could be studied by the educators during the fall. When we return in January, we will have an adequate opportunity to consider it with thorough hearings, and then, perhaps, report the most effective bill possible some time early in the spring.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. JAVITS. Mr. President, I shall not detain the Senate long. I feel that there is so much to be said about the position which appears to be shaping up on the floor of the Senate. Because I have been so identified with what is called the civil rights fight, it is only fitting that I should make a few remarks on the situation as we find it today; that is, as to the way in which we propose to handle the civil rights legislation now and early in the next session.

Also, I think it is very important to emphasize the international aspects of the so-called civil rights struggle, which have not been very much emphasized in the debates so far.

Finally, I believe it is important to examine the reasonableness of the proposals which are made by the so-called civil rights advocates. I think that with the issuance of the report of the Commission on Civil Rights, there can be very little argument about that. The factual basis is being laid, in my opinion, in an impregnable way.

First, as to our situation on the floor of the Senate, it has already been made clear in the respective colloquys today what is now proposed, assuming the Senate agrees—and I devoutly hope it will—is to extend the Civil Rights Commission for 2 years and then to fix a date certain very early in the next year in which all the proposals for civil rights legislation may be explored. These include the proposal of the Commission, dealing specifically with voting, housing, and education—we may then vote them up or down, as soon as we can vote, but enough time will be allowed by our schedule and the exigencies of the country and the world so that at that one time early in the year, before we are under the pressure for other business, this matter may be completed.

The length and extent to which others may wish to debate the civil rights issue will be something which we can decide when we reach that time. We will cross that bridge when we come to it.

But I would be less than frank if I did not call the attention of my colleagues to the following fact: We will have a vote today—perhaps late today or early in the morning—on a question of suspending the rules. To suspend the rules will require a two-thirds majority vote. I urge every Senator to search his conscience in determining his vote upon this issue, because he should be very clear upon the fact that the size of the majority will not only relate to what we



shall be doing here—to wit, suspending the rules—but the size of the majority will also relate to what we will do in January or February, after we come back for the next session.

Let us remember that if it is necessary to impose cloture in respect to this situation, under the amended rule XXII cloture may also be imposed by a vote of two-thirds of the Senators present and voting. That is the very same number which is required to suspend the rules. I do not believe that the lesson of a heavy majority in the two-thirds category, which may be registered upon the vote today or early tomorrow, will be lost upon those who may be attempting a plan to provide colleagues by a very extended debate, and what we feel is a fair, open, and free debate, with every opportunity to explore the subject.

I make this point because we all know that we are in a period when muscles are being tested. So I think this is an extremely important indicator of the amount of sentiment which there is in the country for reasonable civil rights legislation. I hope very much that Senators will not allow themselves to be distracted by extraneous considerations in casting their votes, but will understand that upon this motion they will be manifesting a general position on the likelihood of effective and meaningful civil rights legislation being passed either at this session or at the next session. I respectfully believe that this is the most important consideration which can be mentioned in connection with this vote.

Another point, which I think is fully as important, is to recognize the international aspects of what we are doing in respect to civil rights in the Senate. We have an object lesson of that in yesterday's events, as described in this morning's newspapers, for the time differentials in fields of human progress are pointed up in the most dramatic—indeed, somewhat ironic—fashion by the event of the Russian hit by a rocket upon the moon. The Soviets have been boasting a lot about their leadership in missiles, rocketry, and space exploration. Assuming, as I think we all assume, that the rocket actually hit the moon, I think we have a real reason again, as we did at the time the first sputnik went up, to take very serious notice of what is going on in our world.

There is a real analogy between the votes we shall cast today on civil rights, with the significance, as I have explained it, going far beyond a suspension of the rules upon the narrow question of extending the life of the Civil Rights Commission. There is a very real connection between that and the Russian hit on the moon, for if the Russians choose to spend their substance in a particular massing of effort and scientific capacity to attain a sensational result with which to dazzle mankind, in terms of their military capability, I think it would be a very serious mistake to underestimate the even more decisive impact, in my opinion, upon all mankind if we will mass our resources and our efforts and score a marked and world-significant breakthrough in respect of the conditions under which people live with one another

in the United States without regard to their color.

Let us never forget that 1 billion people of the free world—two-thirds, roughly, of the free world—are people whose skins are yellow or brown or black. It is by now almost an axiom that how they go, so freedom will go. It is almost an axiom because almost all of us who have studied their press and their public expressions know that they look with the greatest care upon what we do about civil rights in this country, in order to determine whether the United States has the capacity for governing itself in accordance with its promise; and second, whether the United States has the moral capacity to lead mankind to freedom; whether we can be trusted with that leadership; and whether, if we are trusted with that leadership, it will be used beneficially and equitably, and with an even hand, regardless of the color of those in the world whom it leads.

So as we debate the issue, let us not forget that it is a vital, critical element in the struggle for peace. It will be a major factor in determining whether the least developed areas of the free world, especially the two-thirds of the free world whose peoples are colored, will follow us or will doubt the validity and the moral significance of our leadership.

Remarkable as may be the Soviet Union's scientific achievements which have been put into space, we must never be blinded by the false system which produced them. Let us remember that men and women throughout the world wish, more than anything else, to live under decent conditions themselves, and their imaginations will not be nearly so much affected by the sensational achievements in rocketry if they know that the people of the United States hope for proper treatment of their fellow human beings and proper recognition of the dignity of all men, by means of proper handling of the race-relations field.

Mr. President, let us remember that the United States has an excellent record in almost every field except that of racial relations in the United States, although in that field our country has made great progress, even though a great deal remains to be done.

Aside from the suppression by the Soviet Union of the so-called captive nations—with 100 million people of eastern, northern, and southern Europe being forced to live under effective slavery—the Soviet Union has also ruthlessly stamped out its own minorities. All of us have read about, and know about, the transportation, in the most ruthless and cruel way, in the course of World War II, of six separate ethnic groups from the Soviet Union: The Chechen-Ingush, the Kalmyks, the Karachi, the Balkans, the Crimean Tatars, and the Volga Germans. Furthermore, we have only to read yesterday's newspapers and today's newspapers to learn about the fact that there is still anti-Semitism of a major character in the Soviet Union, and that it exists there to a very important and considerable

extent, as a result of the way in which the operations of the Government of the Soviet Union are conducted.

So, Mr. President, as we debate this issue, let us not for even one moment overlook the international aspects of what we are about.

As for the work of the Commission itself—which will be encouraged and maintained by the extension for 2 years—let me say that when Congress voted, in 1957, to create a bipartisan Commission to conduct a comprehensive, impartial investigation in this field, Congress considered 2 years as the minimum length of time necessary in order to have the study conducted along the lines prescribed by Congress. But 8 months passed, following enactment of the Civil Rights Act of 1957, before the Commission was able to begin its work; and thus the Commission had only 16 months in which to complete the work Congress had prescribed for it.

So in seeking an extension of time for the Commission, we are seeking only to make it possible for the Commission to carry out the original intent of Congress, part of which was based on the sincere belief that the work of the Commission would go far beyond studies in the fields of voting, education, and housing, and would extend to the fields of the use of public buildings, recreation, and—very important—the administration of justice. Many of us who voted for the creation of the Commission expected that by this time it would have reached into those fields.

However, I do not believe such an extension of the life of the Civil Rights Commission should be considered in itself to amount to meaningful and effective civil rights legislation; and I would not wish anyone to believe that to be the case. A minimum, reasonable civil rights program, for enactment by the Congress—and now I come to the fourth aspect of the matters I said I would discuss, namely, the reasonableness of our proposals—would, in my opinion, include, first and foremost, implementation of the findings of the Commission on Civil Rights with respect to voting; second, provision of some opportunities for the United States to help communities which wish to meet the requirements of the public-school-desegregation mandate of the Supreme Court, by means of technical assistance, some financial aid, and actually backing the school systems for Federal personnel which are desegregated, in areas where that is not now the case or is not likely to be the case for some time to come.

Another group of matters which require urgent attention includes dealing with the spate of hate bombings which have occurred in an effort to intimidate those in certain areas of the South who wish an end to come to racial restrictions on voting and other racial restrictions, including racial restrictions in regard to public-school attendance.

In addition, and this is also very important, an effort should be made to tighten up on the general laws of the United States in regard to the administration of justice in this particular field of racial living.



Mr. President, we also witnessed recently—and very, very unhappily—after a period of years in which there had not been a similar incident, a lynching. There, too, there seems to be real urgency for a Federal antilynching law of a kind which has long been proposed, even though the efforts to obtain the enactment of such a law have been kicked around for a long time. Certainly such a law is needed in order to permit the Federal authorities to lend their weight and their strength to attempts to take proper action in such situations.

In that connection, I call attention to a newspaper article, carried by the United Press, which was published in the New York Daily News of September 13. In brief, the article states that a Mississippi prosecutor said that the report of the FBI on the Poplarville, Miss., case of the lynching of the Negro, Mack Charles Parker, is hearsay, and will be considered as such when a grand jury takes up the case. He said, in short, that of course the FBI could present its own evidence to the grand jury, but he would not present it as evidence that any crime had been committed.

That is but another illustration of the limitations that are encountered in connection with carrying out the constitutional guarantees with respect to the protection of life, liberty and property, when, very unhappily, as I have said—and now very rarely, but still very tragically—there are encountered limitations which deny that the Federal Government should be entitled to have, and to follow, its own procedures in connection with such cases, rather than to have half-hearted actions taken in States in which racial intolerance still persists.

Mr. President, there is no reason why lynching should not be stated in the law as being what it really is, namely, a crime against the maintenance of proper, reasonable human relationships—as lynching is regarded throughout the world, and as it should be specifically stated in our law.

There is also the question of the poll tax. Regardless of how the poll tax is viewed in various States, the fact is that it must be eliminated from the States as an archaic and vestigial remnant from other days which should speedily be forgotten.

In this connection, I am constantly reminded of the eloquent words of the majority leader of the Senate, who, in stating why he voted for the Civil Rights Act of 1957, said:

I voted for the civil rights bill because I believe that the right to vote is the most important instrument for securing justice. I was convinced that steps were needed to safeguard that right.

Mr. President, one of the most urgent steps needed to safeguard that right is to remove from it the shackles of the archaic and vestigial remnant of a long since dead past which is incorporated in the poll tax.

I should like to conclude by reference to the report of the Civil Rights Commission itself. I say that because if we are going to extend the life of the Com-

mission, as we should, in the interest of our country, we want to appraise quite honestly the dispassionate quality of its work, the objectivity, as well as its skill and thoroughness. The single most extraordinary thing about this report is the real lack of difference in respect of the basic findings of the Commission. Only one of the Commissioners, John S. Battle, out of the six, criticized the general character of the report, notwithstanding two other Commissioners than Mr. Battle, to wit Governor Carlton and Mr. Storey, come from the South. His remarks are found on page 551.

I should like to read them, because they are so important. He was the only one who dissented to the report as a whole. He said:

I have stated my objections to certain specific recommendations contained in the report.

In addition thereto, and without in any way impugning the motives of any members of the Commission, for each of whom I have the highest regard, I must strongly disagree with the nature and tenor of the report. In my judgment it is not an impartial factual statement, such as I believe to have been the intent of the Congress, but rather, in large part, an argument in advocacy of preconceived ideas in the field of race relations.

Without criticizing the quality of this dissent, which I do not think anyone would call it a particularly violent dissent, taking it at full force and saying it is a complete dissent, let us note it is the only one. When we get a vote of 5 to 1 here in the Senate, we think there has been an overwhelming victory for the winning side. I think very definitely that is what is demonstrated by this report.

I hasten to add that it is an objective and reasoned and very moderate document, as attested to by the fact that two of the southern members joined in it. I do not say these two members were any less devoted to the particular point of view they sought to reflect on this Commission than Commissioner Battle was, but I think it is a tribute to the moderate and objective character of the report, and the hard facts which intruded upon the consciences of the members of the Commission, that the report was adopted by 5 to 1, and that two out of the three southern members felt in good conscience they had to subscribe to it.

This report is powerful backing in fact—not in theory or in idea, but in fact—of the urgent need for additional civil rights legislation. I refer to page 141 of the report. One of the findings not dissented to by any Commissioner specifically, but dissented to by Commissioner Battle's general dissent, reads as follows:

The Commission finds that substantial numbers of citizens qualified to vote under State registration and election laws are being denied the right to register, and thus the right to vote, by reason of their race or color. It finds that the existing remedies under the Civil Rights Act of 1957 are insufficient—

Mr. President, I repeat that word "insufficient"—are insufficient to secure and protect the right to vote of such citizens.

I believe it fair to say that the overwhelming majority of the Members of the Senate were agreed in 1957 that if they did not want to do anything else about civil rights, they certainly wanted to safeguard the right to vote. And here is a finding, by a vote, of at least 5 to 1, that the Civil Rights Act of 1957 is insufficient to secure and protect the right to vote of such citizens.

It seems to me, therefore, this bears, beyond a peradventure, on the most urgent level, on the need for the kind of legislation which is referred to in this report, which those of us who are fighting this battle feel Congress should be considering.

Finally, one of the recommendations in this report most vexing and argued about by the opponents of civil rights legislation has been the recommendation for the appointment of temporary Federal registrars. May I say here and now that it is my full intention to offer an amendment to carry out that recommendation when, as, and if we consider civil rights legislation.

It is very significant that the Commissioner include also a very strong condemnation of discrimination in housing patterns, which affects great cities like my own city of New York and other great American cities, which we understand, and which we are doing our utmost to do something about in view of the recommendations in which five of the six Commissioners concurred, including two Commissioners from the South, the only dissent being entered by Commissioner Battle on all these matters to which I have referred. So it is by no means a report as to the shortcomings in the South. It affects us all and criticizes us all when and where we deserve it.

I believe one of the very fundamental points which should be made in this whole civil rights issue is the dispassionate way in which the report makes findings and recommendations without regard to section, for just as it is true that we have our problems in the North as those in the South have them, so it is equally true that at least in the North the lay commissions of the communities, the whole governmental machinery, are directed toward doing something about the matters. Unhappily, there are sections of the South where we find now, after 100 years, it is being urged to just let matters rock along, they will take care of themselves, that everything is nice and quiet, and why disturb them?

Well, Mr. President, everything may be nice and quiet, but it is also very quiet in a tomb or a concentration camp. I do not compare the two in any way, but I do make the point that the test of its being quiet is no test of justice or order or the progress of a community, or the likelihood that that community is doing its best or contributing its most to the general welfare.

Mr. President, I ask unanimous consent that there be incorporated in the RECORD as a part of my remarks the tables which are found in the report of the Commission on Civil Rights, from page 42 to page 51, inclusive.



There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 2.—ARKANSAS

(Source: 1950 census; 1958 registration figures from State auditor: Arkansas has no registration as such. Payment of poll tax is equivalent of registration. The following figures are official poll tax payments.)

The total 1950 voting-age population of Arkansas was 1,108,366. Of this total, 880,675 were white and 227,691 were nonwhite. Thus nonwhites were 20.5 percent of the total voting-age population.

In 1958 the total number of registered voters in Arkansas was 563,978. Of this total, 499,955 were white and 64,023 were nonwhite. Thus nonwhites were 11.4 percent of all registered voters.

The number of nonwhites registered in 1958 represented 28.1 percent of the total 1950 population of voting-age nonwhites.

Arkansas has 75 counties. In six counties, nonwhites were a majority of the 1950 voting-age population. In all of these counties some nonwhites were registered to vote in 1958.

Nonwhite registration by counties

Number of counties

| Percentage of nonwhites registered in 1958 (based on 1950 voting-age population figures): |    |
|-------------------------------------------------------------------------------------------|----|
| No nonwhites registered.....                                                              | 14 |
| Some, but fewer than 5 percent.....                                                       | 1  |
| 5 to 25 percent.....                                                                      | 28 |
| 25.1 to 50 percent.....                                                                   | 28 |
| More than 50 percent.....                                                                 | 4  |
| Total.....                                                                                | 75 |

<sup>1</sup> Nonwhite population of voting age in these 14 counties in 1950 was 83.

TABLE 3.—FLORIDA

(Source: 1950 census; 1958 registration figures from Florida secretary of state, published regularly.)

The total 1950 voting-age population of Florida was 1,825,513. Of this total, 1,458,716 were white and 366,797 were nonwhite. Thus nonwhites were 20.1 percent of the total voting-age population.

In 1958 the total number of registered voters in Florida was 1,593,453. Of this total, 1,448,643 were white and 144,810 were nonwhite. Thus nonwhites were 9.1 percent of all registered voters.

The number of nonwhites registered in 1958 represented 39.5 percent of the total 1950 population of voting-age nonwhites.

Florida has 67 counties. In one county, nonwhites were a majority of the 1950 voting-age population. In this county, 13.2 percent of the 1950 voting-age nonwhites were registered to vote in 1958.

Nonwhite registration by counties

Number of counties

| Percentage of nonwhites registered in 1958 (based on 1950 voting-age population figures): |    |
|-------------------------------------------------------------------------------------------|----|
| No nonwhite registered.....                                                               | 13 |
| Some, but fewer than 5 percent.....                                                       | 3  |
| 5 to 25 percent.....                                                                      | 12 |
| 25.1 to 50 percent.....                                                                   | 30 |
| More than 50 percent.....                                                                 | 19 |
| Total.....                                                                                | 67 |

<sup>1</sup> Nonwhite population of voting age in these three counties in 1950 was 2,944.

TABLE 4.—GEORGIA

(Source: 1950 census; 1958 registration figures from official county reports released by Secretary of State of Georgia, published in Atlanta Constitution, September 29, 1958.)

The total 1950 voting-age population of Georgia was 2,178,242. Of this total, 1,554,-

784 were white and 623,458 were nonwhite. Thus nonwhites were 28.6 percent of the total voting-age population.

In 1958 the known total of registered voters in Georgia was 1,291,597. Of this total, 1,130,515 were white and 161,082 were nonwhite. Thus nonwhites were 12.5 percent of all registered voters.

The number of nonwhites registered in 1958 represented 25.8 percent of the total 1950 population of voting-age nonwhites. Georgia has 159 counties. In 29 counties, nonwhites were a majority of the 1950 voting-age population. In two of these counties, no nonwhite was registered to vote in 1958. In 11 of the other 27 counties, the number of nonwhites registered in 1958 was fewer than 5 percent of the county's 150 voting-age nonwhite population. In one, nonwhite registration figures were unavailable.

Nonwhite registration by counties

| Percentage of nonwhites registered in 1958 (based on 1950 voting-age population figures): | Counties |
|-------------------------------------------------------------------------------------------|----------|
| No nonwhites registered.....                                                              | 6        |
| Some, but fewer than 5 percent.....                                                       | 22       |
| 5 to 25 percent.....                                                                      | 53       |
| 25.1 to 50 percent.....                                                                   | 50       |
| More than 50 percent.....                                                                 | 28       |
| Total.....                                                                                | 159      |

<sup>1</sup> Nonwhite population of voting age in these 6 counties in 1950 was 3,141.

TABLE 5.—LOUISIANA

(Source: 1950 census; 1959 registration figures from Louisiana secretary of state, published regularly.)

The total 1950 voting-age population of Louisiana was 1,587,145. Of this total, 1,105,861 were white and 481,284 were nonwhite. Thus nonwhites were 30.3 percent of the total voting-age population.

In 1959 the total number of registered voters in Louisiana was 961,192. Of this total, 828,686 were white and 132,506 were nonwhite. Thus nonwhites were 13.8 percent of all registered voters.

The number of nonwhites registered in 1959 represented 27.5 percent of the total 1950 population of voting-age nonwhites.

Louisiana has 64 parishes (i.e., counties). In 8 parishes, nonwhites were a majority of the 1950 voting-age population. In 4 of these no nonwhite was registered to vote in 1959.

Nonwhite registration by parishes

| Percentage of nonwhites registered in 1959 (based on 1950 voting-age population figures): |    |
|-------------------------------------------------------------------------------------------|----|
| No nonwhites registered.....                                                              | 14 |
| Some, but fewer than 5 percent.....                                                       | 9  |
| 5 to 25 percent.....                                                                      | 18 |
| 25.1 to 50 percent.....                                                                   | 14 |
| More than 50 percent.....                                                                 | 19 |
| Total.....                                                                                | 64 |

<sup>1</sup> Nonwhite population of voting age in these 4 counties in 1950 was 20,330.

TABLE 6.—NORTH CAROLINA

(Source: 1950 census; 1958 registration figures from replies of official county boards of elections in 79 of North Carolina's 100 counties to questionnaire of Commission's State advisory committee.)

The total 1950 voting-age population of North Carolina was 2,311,081. Of this total, 1,761,330 were white and 549,751 were nonwhite. Thus nonwhites were 23.8 percent of the total voting-age population.

In 1958 the total registered voters in the 79 counties reporting was 1,547,822. Of this total, 1,389,831 were white and 157,991 were nonwhite. Thus nonwhites were 10.2 percent of all registered voters in these counties.

The number of nonwhites registered in 1958 in these 79 counties represented 28.7 percent of the State's total 1950 population of voting-age nonwhites.

North Carolina has 100 counties. In the 21 counties not reporting there were 111,475 voting-age nonwhites in 1950.

In 6 counties, nonwhites were a majority of the 1950 voting-age population. In at least 4 of these, some nonwhites were registered to vote in 1958. In 2, the number of nonwhites registered was fewer than 5 percent of the county's 1950 voting-age nonwhite population. Two counties did not report.

Nonwhite registration by counties reporting

Number of counties

| (Percentage of nonwhites registered in 1958 based on 1950 voting-age population figures): |    |
|-------------------------------------------------------------------------------------------|----|
| No nonwhites registered.....                                                              | 0  |
| Some, but fewer than 5 percent.....                                                       | 3  |
| 5 to 25 percent.....                                                                      | 29 |
| 25.1 to 50 percent.....                                                                   | 18 |
| More than 50 percent.....                                                                 | 29 |
| Total.....                                                                                | 79 |

TABLE 7.—SOUTH CAROLINA

(Source: 1950 census; 1958 registration figure released by secretary of state of South Carolina as of May 10, 1958, published in Columbia State, May 25, 1958.)

The total 1950 voting-age population of South Carolina was 1,150,787. Of this total, 760,763 were white and 390,024 were nonwhite. Thus nonwhites were 33.9 percent of the total voting-age population.

In 1958 the total number of registered voters in South Carolina was 537,689. Of this total, 479,711 were white and 57,978 were nonwhite. Thus nonwhites were 10.8 percent of all registered voters.

The number of nonwhites registered in 1958 represented 14.9 percent of the total 1950 population of voting-age nonwhites.

South Carolina has 47 counties. In 15 counties, nonwhites were a majority of the 1950 voting-age population. In one of these counties, no nonwhite was registered to vote in 1958. In four of the other 14 counties, the number of nonwhites registered in 1958 was fewer than 5 percent of the county's 1950 voting-age nonwhite population.

Nonwhite registration by counties

| Percentage of nonwhites registered in 1959 (based on 1950 voting-age population): |    |
|-----------------------------------------------------------------------------------|----|
| No nonwhites registered.....                                                      | 1  |
| Some, but fewer than 5 percent.....                                               | 6  |
| 5 to 25 percent.....                                                              | 40 |
| 25.1 to 50 percent.....                                                           | 0  |
| More than 50 percent.....                                                         | 0  |
| Total.....                                                                        | 47 |

<sup>1</sup> Nonwhite population of voting age in this county in 1950 was 2,625.

TABLE 8.—VIRGINIA

(Source: 1950 census; 1958 registration figures obtained from Virginia secretary of state by the Commission's State advisory committee.)

The total 1950 voting-age population of Virginia was 2,036,468. Of this total, 1,606,669 were white and 429,799 were nonwhite. Thus nonwhites were 21.1 percent of the total voting-age population.

In 1958 the total number of registered voters in Virginia was 958,342. Of this total, 864,863 were white and 93,479 were nonwhite. Thus nonwhites were 9.8 percent of all registered voters.

The number of nonwhites registered in 1958 represented 21.7 percent of the total 1950 population of voting-age nonwhites.

Virginia has 100 counties.<sup>1</sup> In 8 counties, nonwhites were a majority of the 1950 vot-



ing-age population. In all of these counties some nonwhites were registered to vote in 1958.

Nonwhite registration by counties

| Percentage of nonwhites registered in 1958 (based on 1950 voting-age population figures): | Number of counties |
|-------------------------------------------------------------------------------------------|--------------------|
| No nonwhites registered-----                                                              | 23                 |
| Some, but fewer than 5 percent-----                                                       | 1                  |
| 5 to 25 percent-----                                                                      | 67                 |
| 25.1 to 50 percent-----                                                                   | 27                 |
| More than 50 percent-----                                                                 | 2                  |
| Total-----                                                                                | 100                |

<sup>1</sup> There are in addition 34 "independent cities," figures on which are included in the Appendix.

<sup>2</sup> Nonwhite population of voting age in these three counties in 1950 was 910.

TABLE 9.—ALABAMA

(Source: 1950 census; 1958 registration figures from survey by The Birmingham News, published February 17, 1959: "Some were official estimates, but most represent actual counts.")

The total 1950 voting-age population of Alabama was 1,747,759. Of this total, 1,231,514 were white and 516,245 were nonwhite. Thus nonwhites were 29.5 percent of the total voting-age population.

In 1958 the known total of registered voters in Alabama was 902,218. Of this total, 823,946 were white and 78,272 were nonwhite. Thus nonwhites were 8.1 percent of all registered voters.

The number of nonwhites registered in 1958 represented 14.2 percent of the total 1950 population of voting-age nonwhites.

Alabama has 67 counties. In 12 counties, nonwhites were a majority of the 1950 voting-age population. In 2 of these counties, no nonwhite was registered to vote in 1958. In 7 of the other 10 counties, the number of nonwhites registered in 1958 was fewer than 5 percent of the county's 1950 voting-age nonwhite population.

Nonwhite registration by counties

| Percentage of nonwhites registered in 1958 (based on 1950 voting-age population figures): | Number of counties |
|-------------------------------------------------------------------------------------------|--------------------|
| No nonwhites registered-----                                                              | 12                 |
| Some, but fewer than 5 percent-----                                                       | 12                 |
| 5 to 25 percent-----                                                                      | 34                 |
| 25.1 to 50 percent-----                                                                   | 9                  |
| More than 50 percent-----                                                                 | 10                 |
| Total-----                                                                                | 67                 |

<sup>1</sup> Nonwhite population of voting age in these 2 counties in 1950 was 14,730.

TABLE 10.—MISSISSIPPI

(Source: 1950 census; and (1) statewide figures from 1954 survey made by then Attorney General (now Governor) James P. Coleman, hearings, House Judiciary Subcommittee, 85th Cong., 1st sess., 1957, pp. 736-739; (2) county figures from master's thesis, Negro Voting in Mississippi, by James Barnes, graduate student, University of Mississippi, 1955, based on interviews with officials and/or examination of county records. See also 103 CONGRESSIONAL RECORD 8602-03, June 10, 1957, pp. 7676-77, 85th Cong., 1st sess.; State Times of Jackson survey of Negro registration in 13 counties in fall of 1956, published Oct. 29-Nov. 1, 1956.)

The total 1950 voting-age population of Mississippi was 1,208,063. Of this total, 710,709 were white and 497,354 were nonwhite. Thus nonwhites were 41 percent of the total voting-age population.

In 1954 the total nonwhite registered voters in Mississippi was 22,000. White registration figures were unavailable.

The number of nonwhites registered in 1954 represented 3.89 percent of the total 1950 population of voting-age nonwhites.

Mississippi has 82 counties. In 26 counties, nonwhites were a majority of the 1950 voting-age population. In 6 of these counties, no nonwhite was registered to vote in 1955. In 18 of the other 20 counties, the number of nonwhites registered in 1955 was fewer than 5 percent of the county's 1950 voting-age nonwhite population.

Nonwhite registration by counties

| Percentage of nonwhites registered in 1955 (based on 1950 voting-age population figures): | Number of counties |
|-------------------------------------------------------------------------------------------|--------------------|
| No nonwhites registered-----                                                              | 14                 |
| Some, but fewer than 5 percent-----                                                       | 49                 |
| 5 to 25 percent-----                                                                      | 17                 |
| 25.1 to 50 percent-----                                                                   | 2                  |
| More than 50 percent-----                                                                 | 0                  |
| Total-----                                                                                | 82                 |

<sup>1</sup> Nonwhite population of voting age in these 14 counties in 1950 was 51,947.

TABLE 11.—TEXAS

(Source: 1950 census; registration figures from the Long News Service of Austin, which made actual counts on poll tax and exemption lists (equivalent of registration) in 165 of State's 254 counties, and for the remaining counties gave various kinds of estimates based on interviews with officials or on sampling.)

The total 1950 voting-age population of Texas was 4,737,734. Of this total, 4,154,790 were white and 582,944 were nonwhite. Thus, nonwhites were 12.3 percent of the total voting-age population.

In 1956-58 the known total registered voters in Texas was 1,716,336. Of this total, 1,489,841 were white (1956) and 226,495 were nonwhite (1958). Thus, nonwhites were 13.5 percent of all registered voters.

The number of nonwhites registered in 1958 represented 38.8 percent of the total 1950 population of voting-age nonwhites.

Texas has 254 counties. In no counties were nonwhites a majority of the 1950 voting-age population.

Nonwhite registration by counties

| Percentage of nonwhites registered in 1958 (based on 1950 voting-age population figures): | Number of counties |
|-------------------------------------------------------------------------------------------|--------------------|
| No nonwhites registered-----                                                              | 14                 |
| Some, but fewer than 5 percent-----                                                       | 1                  |
| 5 to 25 percent-----                                                                      | 59                 |
| 25.1 to 50 percent-----                                                                   | 134                |
| More than 50 percent-----                                                                 | 46                 |
| Total-----                                                                                | 254                |

<sup>1</sup> Nonwhite population of voting age in these counties in 1950 was 42.

Mr. JAVITS. Mr. President, these tables show, as closely as the Commission can estimate them, the pattern which results when a minor percentage of nonwhites in most of the Southern States is registered voters, as compared with a percentage, generally speaking, twice as great for whites.

Mr. President, as men of sophistication, all of us know, when we see a pattern of that kind consistently maintained, there is a reason. Mr. President, that reason, in my view, is intolerable to the domestic and international position of the United States. Mr. President, it is our duty, as a Congress, out of solicitude for our country, to make the necessary correction.

I believe by supporting a motion to suspend the rule and an amendment to extend the life of the Civil Rights Commission, based upon the solid expectation, as will be disclosed from the pre-

cise points made upon the floor as to the time and the place when we will undertake to legislate further in regard to civil rights, we shall make a marked measure of progress in correcting these grave injustices under which our country suffers.

Mr. President, my assistant points out to me—and I think it is very worthy of note, in order to show the character of the work of the Commission—that in the State of Texas, which is the home State of our distinguished majority leader, 12.3 percent of the total voting population were nonwhites, whereas 13.5 percent of the registered voters were nonwhites as well, which is different from the pattern in others of the Southern States. I make that point in order to show that the Commission made every effort to present every part of the picture. Mr. President, I yield the floor.

REINSTATEMENT AND VALIDATION OF OIL AND GAS LEASE

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 931, H.R. 8437.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8437) to provide for the reinstatement and validation of U.S. oil and gas lease BLM 028500.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to, and the Senate proceeded to consider the bill.

Mr. McNAMARA. Mr. President, may we have an explanation of the bill?

Mr. ANDERSON. Mr. President, will the Senator yield to me?

Mr. JOHNSON of Texas. I yield to the Senator from New Mexico.

Mr. ANDERSON. This bill involves a payment to the Bureau of Land Management. The Bureau of Land Management notified the individual lessee what his bill would be for the rental. The lessee paid what he was told to pay. Later the discovery was made that the lessee had paid approximately \$20 less than he should have paid. The mistake was a mistake of the Bureau of Land Management. There is no way to rectify the mistake other than to pass the bill.

The bill is recommended by the department, and apparently there is no objection to it.

Mr. McNAMARA. How much money is involved? Did the Senator say \$20?

Mr. ANDERSON. I am not sure that is the correct amount, but it is approximately that. The lessee paid less than the rental figure should have been. He did this innocently. I think the bill is a proper bill, and should be passed.

The Senator from Colorado and I have checked into this matter very carefully.

Mr. JOHNSON of Texas. The amount which was billed was \$56, when it should have been \$80.

Mr. McNAMARA. I have no objection.

Mr. ALLOTT. There was approximately a \$20 difference.



Mr. ANDERSON. The Senator from Colorado has been very helpful in regard to these matters.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 8437) was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ANDERSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT OF BANKRUPTCY ACT, RELATING TO VERIFICATION OF PLEADINGS

Mr. EASTLAND. Mr. President, I ask that the Chair lay before the Senate the message from the House on the bill S. 1944 to amend the Bankruptcy Act in regard to the verification of pleadings.

The PRESIDING OFFICER (Mr. CANNON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1944) to amend the Bankruptcy Act in regard to the verification of pleadings, which was, to strike out all after the enacting clause and insert:

That subdivision c of section 18 of the Bankruptcy Act is amended to read as follows: "c. Petitions for both voluntary and involuntary bankruptcy shall be verified under oath."

Mr. EASTLAND. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of House bill 8385, the mutual security bill, which was displaced a moment ago when I moved that the Senate proceed to the consideration of another bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. THURMOND. Mr. President, I am convinced beyond any shadow of a doubt that the Senate is making no contribution to the welfare of the country by even considering an extension of the Civil Rights Commission. The consideration of such an extension would have been even more unfortunate had it been undertaken without having available to us the report of the Civil Rights Commission.

In reading the report of this Commission, Senators should keep in mind that this is the report of a commission which was promoted as a group which would deal exclusively with voting rights. I do not believe that any of us were deceived in 1957, and I know that I was not so deceived. The Commission has, of

course, presumed to enter into a discussion of race relations in the fields of education and housing, as well as voting. Obviously, the information on which the Commissioners base their discussion could not be dignified by calling it a study.

I shall review briefly what I can only describe as the illogical ramblings and babblings of unsound thinking; and from time to time, I shall also note with pleasure that there are those among the Commissioners who indicate by their individual opinions and statements contained in the report that they, unlike the staff and the other Commissioners, have not completely lost touch with reality.

In the field of voting the Commission made a total of five so-called findings and recommendations. I shall merely note at this point that Commissioner Battle's dissent on all five findings and recommendations indicates that the Commission was not without a rational thinker among its group, had it chosen to follow the leadership of good judgment and clear thinking.

The first finding of the Commission in the field of voting is believable to me. Obviously, the Commissioners who joined in the remaining findings and recommendations in the voting area did not believe it themselves, however, for if they had, they could have drawn no conclusions whatsoever—much less any recommendations.

I quote the first two sentences of the first finding of the Commission:

The Commission finds that there is a general deficiency of information pertinent to the phenomenon of nonvoting. There is a general lack of reliable information on voting according to race, color, or national origin, and there is no single repository of the fragmentary information available.

It is obvious that if one believes that this finding of the Commission is correct, it would be senseless to attach any credibility to any additional part of the Commission's report on voting.

The Commission recommends that the Bureau of Census undertake a nationwide compilation of registration and voting statistics to include a count of individuals by race, color, and national origin who are registered and the frequency of their voting in the past 10 years.

Mr. President, I heartily endorse this recommendation. I do not believe that anyone could conceive of a more practical and a more suitable replacement for the Civil Rights Commission than the census suggested by the Commission itself. It should be quite apparent that until the information which the Commission finds to be practically nonexistent can be compiled, no sensible study nor logical conclusion can be accomplished.

Mr. President, had the Commission stopped at this point in its report, it would have accomplished more good than I have ever conceived that it could do. I say this with full awareness that the Commission's conclusion, arrived at after 2 years of existence, could have been reached by any logical man after a few casual inquiries. Unfortunately, the Commission did not stop at this point; and in the remainder of the re-

port, those of the Commission who advance specific proposals confirm beyond a doubt that this Commission has contributed and is contributing more to racial unrest, tension, and bad relations than any other force or factor which has been conceived by Congress in modern times.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Mississippi.

Mr. EASTLAND. The distinguished Senator has said that the Commission has caused unrest. The distinguished Senator knows that when the Commissioners' nominations were being considered, for confirmation, the Commissioners testified that they had no authority to make recommendations in the field of education, yet they have pointed the finger at the South. Does the Senator agree with that statement?

Mr. THURMOND. The Senator is eminently correct. Everyone knows that the jurisdiction of the Commission, so to speak, is to be confined to voting, but the Commission has gone into sundry other fields.

Mr. EASTLAND. In fact, the report is a very highly prejudiced and a dishonest report against the Southern States. Would the Senator agree with that statement?

Mr. THURMOND. The Senator from South Carolina concurs wholeheartedly with the statement of the distinguished Senator from Mississippi.

Mr. EASTLAND. I should like to read to the Senator an Associated Press dispatch from New York City, which came over the wire this afternoon:

SEPTEMBER 14, 1959.

NEW YORK.—Picketing, and a stay-at-home boycott by at least a fourth of the white pupils in the Glendale-Ridgewood area of Queens, greeted the arrival today of Negro and Puerto Rican pupils transferred from Brooklyn.

In addition large signs saying "blacks go home" appeared in front of one school during the night. They were painted out before the students from Brooklyn's poverty-stricken Bedford-Stuyvesant area arrived in the school for opening day.

Most of the 363 pupils scheduled for transfer showed up, and they entered the five schools involved without difficulty. White parents picketed in front of three of the schools, however.

The schools are in an almost entirely white area of Queens, and had a total registration of about 2,300 excluding the transfers from Brooklyn. More than 900 pupils stayed at home, authorities estimated.

That shows that the question of school integration is national in scope, and that white people all over the country are determined to maintain their racial identity and oppose politicians who would destroy the white race in this country. Does the Senator agree with that statement?

Mr. THURMOND. The Senator is eminently correct. However, if New York or any other State wishes to have integration, I think that is a prerogative of the particular State.

Mr. EASTLAND. Does not this dispatch show that New York does not



want integration? Is not that one of the points brought out by the dispatch?

Mr. THURMOND. The dispatch clearly shows that. However, the point I make is that the people of South Carolina should not attempt to dictate to the people of any other State, whether they want integration or segregation. On the other hand, we do not want to be dictated to, as to what we shall do in South Carolina. We think it is our prerogative under the Constitution to have integration if we want it, or to have segregation if we want it. If our people choose segregation, as they have done, we feel that as a sovereign State we have the right to do it.

Mr. EASTLAND. Is it not true that in the North, in large measure there is defacto segregation?

Mr. THURMOND. That is my understanding of the situation; and from the news items I have been reading recently, undoubtedly that is the case.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from New York.

Mr. JAVITS. I thank my colleague for his always unfailing courtesy. I doubt very much whether I, or anyone else who thinks as I do, could persuade our distinguished colleague from Mississippi to change his views.

Also I doubt very much whether his assertion that the people of the State of New York want segregation in their public schools will be accepted as a conclusive finding of fact. I am confident that we shall have ample opportunity to show the facts in detail as to New York.

We have argued this question many times before. I do not see much point in raising the argument again, but I could not stand by when the statement was made in my hearing, and allow it to stand.

Mr. EASTLAND. The point is that the distinguished Senator from New York should attend to his own knitting in New York State, and not attempt to export New York's deplorable social conditions into areas where peace and harmony prevail. He has plenty to do in Brooklyn, Queens, the Bronx, and Harlem, instead of picking on people who have harmonious racial relations.

Mr. THURMOND. In reply to the Senator from Mississippi, I must say that from all the news items I have been reading in newspapers from New York, it would appear that there is a great opportunity up there for missionary work to be done in certain quarters. I presume that all States have their weaknesses, and that New York is not the only State, but from the items in the newspapers, I am sure that there is a vast field there for a great deal of good work to be done.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. THURMOND. I yield to the distinguished Senator from New York.

Mr. JAVITS. I assure the Senator that my devout wish would be that the distinguished Senator from Mississippi would be working at cultivating the great field in his State as assiduously as I—

and, I am confident, my colleague, Mr. KEATING—are working at cultivating the same field in our State.

It is a fact, as the Senator from Mississippi and the Senator from South Carolina have pointed out, that this is a national question, just as foreign policy, highways, and a dozen other things are national questions upon which we must legislate. The Senator from Mississippi and the Senator from South Carolina feel a certain way about civil rights; and any of us would die in defense of their right to express their views, a right which all Senators enjoy.

Mr. THURMOND. I wonder if I can make the Senator from New York a proposal. Inasmuch as he feels that we have so many shortcomings in the South, and the newspapers show that there are so many of them in his own State, I wonder if we could agree that he go back to his State and take care of his problems, and allow us in the South to take care of our problems. We assure him that we will not disturb or interrupt him in any way whatsoever, or cast any reflections on the way he handles his local problems, if he will give us the same assurance.

Mr. JAVITS. I trust that question was settled forever by the heroes in both blue and gray, from 1861 to 1865. I abide by their verdict.

Mr. THURMOND. In reply, let me say that the question was settled when the Constitution was written. The Constitution of the United States provided that all powers not delegated to the Federal Government are reserved to the States. The field of education has never been delegated to the Federal Government, and many other fields have not. Therefore, they are reserved to the States, and they are still within the jurisdiction of the States. We expect to follow the Constitution.

Mr. JAVITS. Mr. President, will the Senator further yield?

Mr. THURMOND. I am happy to yield to the Senator from New York.

Mr. JAVITS. I think we will agree that the 14th amendment is a part of the Constitution. That amendment gives every citizen equal protection under the law—in education and in every other phase of human activity that comes within that fundamental charter. That amendment is just as much a part of the Constitution as that part which was adopted by the Founding Fathers in the latter part of the 18th century.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield.

Mr. EASTLAND. Does it not seem to the Senator that, inasmuch as South Carolina has peace and harmony, with no gangs roaming the streets indulging in knifings, cuttings, murder, rape, crimes of violence, and filth, the Senator from New York should devote his attention to correcting the deplorable condition in his own State, among his own people, rather than taking this floor day in day in and day out and telling what the South is doing. He tells us that the South does this, or the South does that. There has not been a word about juvenile delinquency, murder, and

rape in his own neighborhood, in his own town.

Mr. THURMOND. In reply to the Senator from Mississippi, I think it is clear that down South we are having no racial disorders. We are having no racial tensions. We are not having crime or juvenile delinquency. We have a segregated life which both races enjoy.

Mr. EASTLAND. Is not the segregated way of life a better life? Is not that the law of nature?

Mr. THURMOND. Well, that is the way God made the races. I presume it is.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. THURMOND. At the same time under the Constitution—and I am fighting for constitutional government—under the Constitution I believe New York has a right to have integration if it wants it. The only thing I want New York to do is to let South Carolina alone. We will let New York have its integration. They can integrate just as much as they want to if they will just let us alone in South Carolina. Our people are happy. Both races are happy. Our schools are just as good for the colored race as for the white race.

We have just as good schoolbuses. We pay the teachers the same, and the opportunities are equal. We are doing everything we can. The Negroes in my State vote. All who are qualified there vote, and there is a big vote among the Negro people.

We treat the Negro people right. We get along with them well; but if other people from other sections are going to send agitators down there to start trouble, I can visualize that in the future we could have trouble.

We are just hoping that the States which are now having trouble will not go jumping on the South and trying to hide their own troubles at home. We cannot help but feel that some people from other States who are jumping on the civil rights bill and who claim they are fighting for civil rights are forgetting their own dastardly conditions right in their own backyards.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. THURMOND. I will be pleased to yield to the Senator from New York.

Mr. JAVITS. Mr. President, the other points which have been made by the Senator from Mississippi and the Senator from South Carolina have been argued many times on the floor, and they will be again. I do not have to repeat those arguments. But I am very much interested in what I consider to be quite a red herring drawn across this trail—the rapes and the murders and the terrible things that are going on in New York.

Mr. President, this would be a rather interesting argument even though slightly rhetorical, if it were true. However, very unfortunately for that position, the facts are just the other way. "The Uniform Crime Reports for the United States," published by the Federal Bureau of Investigation, show that the ratio per hundred thousand of offenses committed in many of the Southern States far exceeds the ratio of those offenses—and they include all of the of-



fenses mentioned by my colleague from Mississippi—in New York.

We are not proud of the ratio we have, but we are not calling any other States which have a worse problem names. We are terribly sorry about it. We are ashamed of it for ourselves. We are ashamed of it for the whole Nation. But it is certainly no valid argument against the points we are making, especially when it is just not so upon the facts.

I ask unanimous consent to have printed in the RECORD at this point a table entitled "Index of Crimes by Standard Metropolitan Areas," from "Uniform Crime Reports," issued by the Federal Bureau of Investigation, September 2, 1959.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Index of crimes by standard metropolitan areas from "Uniform Crime Reports," issued by the Federal Bureau of Investigation September 2, 1959*

[Rate per 100,000]

|                                                                                                                              |          |
|------------------------------------------------------------------------------------------------------------------------------|----------|
| New York-northern New Jersey---                                                                                              | 1, 145.3 |
| (All cities listed for the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Virginia.) |          |
| Asheville, N.C.-----                                                                                                         | 1, 006.5 |
| Atlanta, Ga.-----                                                                                                            | 812.0    |
| Birmingham, Ala.-----                                                                                                        | 1, 212.2 |
| Charleston, S.C.-----                                                                                                        | 1, 382.8 |
| Charlotte, N.C.-----                                                                                                         | 1, 462.2 |
| Columbia, S.C.-----                                                                                                          | 1, 365.2 |
| Columbus, Ga.-----                                                                                                           | 816.5    |
| Durham, N.C.-----                                                                                                            | 669.2    |
| Fort Smith, Ark.-----                                                                                                        | 794.1    |
| Gadsden, Ala.-----                                                                                                           | 762.4    |
| Greensboro-High Point, N.C.-----                                                                                             | 749.7    |
| Greenville, S.C.-----                                                                                                        | 1, 419.9 |
| Hampton-Newport News-Warwick, Va.-----                                                                                       | 1, 540.3 |
| Jackson, Miss.-----                                                                                                          | 593.4    |
| Jacksonville, Fla.-----                                                                                                      | 1, 004.4 |
| Little Rock-North Little Rock, Ark.-----                                                                                     | 1, 570.3 |
| Macon, Ga.-----                                                                                                              | 1, 049.5 |
| Miami, Fla.-----                                                                                                             | 1, 303.3 |
| Mobile, Ala.-----                                                                                                            | 1, 162.9 |
| Montgomery, Ala.-----                                                                                                        | 1, 078.6 |
| New Orleans, La.-----                                                                                                        | 1, 720.7 |
| Norfolk-Portsmouth, Va.-----                                                                                                 | 1, 609.1 |
| Orlando, Fla.-----                                                                                                           | 1, 544.6 |
| Pensacola, Fla.-----                                                                                                         | 1, 784.7 |
| Raleigh, N.C.-----                                                                                                           | 1, 400.8 |
| Richmond, Va.-----                                                                                                           | 1, 325.9 |
| Savannah, Ga.-----                                                                                                           | 1, 675.4 |
| Shreveport, La.-----                                                                                                         | 760.0    |
| Tampa-St. Petersburg, Fla.-----                                                                                              | 1, 320.3 |
| West Palm Beach, Fla.-----                                                                                                   | 1, 080.0 |
| Winston-Salem, N.C.-----                                                                                                     | 802.6    |

<sup>1</sup> Exceeded by.

Mr. JAVITS. Mr. President, the facts are—and I offer them for the RECORD—that in a long list of cities, comparing the ration in other cities with the New York and northern New Jersey area, the rate per hundred thousand of offenses in New York and northern New Jersey was 1,145. The ratio in a whole list of cities in South Carolina—and I will not embarrass my colleague by reading the names of the cities—because I do not believe this is to the point—

Mr. THURMOND. The Senator cannot embarrass me, because our cities are the finest cities in the world. People in our cities can walk the streets in safety. Women can go out at night without being raped.

Mr. JAVITS. I believe that is true in New York, too, and the facts bear it out. If the Senator wishes me to say it, in Charleston, S.C., the rate is 1,382, as against 1,145 in New York. In Columbia, S.C., the rate is 1,365. In Greenville it is 1,419; and so on.

Mr. President, as I said, I am not making this point. I do not believe it has any bearing upon our situation. I am only pointing out that it is not an argument the other way, either. Whatever may be the reasons for the crime statistics, I am just as much ashamed of them for my own city as I am for any city in the country. All of us have full responsibility for it. It is nevertheless a fact that it should not be dragged across this discussion on civil rights, on States rights, or on the constitutional points we have been arguing, when it is not borne out by the facts.

Mr. THURMOND. We have some crime, I am sure, in our State, as any State has. Of course we have some military installations there, and people do come there from other States, from the North and other places, and our people are so friendly with them that probably they are not as tight with these people in punishing them for crime as they should be. But we are glad to have these folks down there from other sections. We welcome them, and we hope in the future that they will learn to conduct themselves as well as our own people. [Laughter.]

Mr. EASTLAND. Of course the distinguished Senator knows that the crime rate is due to the large proportion we have of one race to the other race in the South. That is true, is it not?

Mr. THURMOND. If the Senator will look at the record, I think he will find that is probably so.

Mr. EASTLAND. The point I am getting at is that the Senator from New York has made a statement on the floor of the Senate and he has arraigned the Southern States and the Southern people time and time again, but he has never attempted to clean up his own back yard.

Mr. THURMOND. I think the record will show among which race crimes are committed, but I say that the crime rate in the Southern States is certainly a low rate of crime. However, I still say that no one is in jeopardy in riding on the highways in our State as compared to some States. No one is in jeopardy in walking on the streets compared with some States, or when going to church or going to school; and even among the children in the schools we do not have the trouble that some other States have.

Mr. EASTLAND. Will the Senator yield for a question? How many gangs are there in South Carolina?

Mr. THURMOND. I do not know of any gangs in my State.

Mr. EASTLAND. How many juvenile gangs are there in South Carolina?

Mr. THURMOND. I have not read about any in the newspapers.

Mr. EASTLAND. As a matter of fact, the Senator knows that there are no juvenile gangs.

Mr. THURMOND. There are none that I know of in my State, and if there were any, I am sure there would have been articles in the newspapers about it.

Mr. EASTLAND. How many times in the State of South Carolina today in the schools do the police patrol the corridors of the schools to prevent violence and rape? Is there a single instance of that in the State of South Carolina?

Mr. THURMOND. There is not a school in South Carolina that has a policeman in it to maintain order, or that has had to place a policeman in it to maintain order.

Mr. EASTLAND. How many rapes have there been in the schools of South Carolina?

Mr. THURMOND. None.

Mr. EASTLAND. How does that compare with New York State?

Mr. THURMOND. Oh, I would be afraid to state. That would cause embarrassment to some people I know. [Laughter.]

Mr. JAVITS. Will the Senator yield for a question?

Mr. THURMOND. I will be pleased to yield to the Senator from New York.

Mr. JAVITS. One thing might be very interesting, based upon what the Senator from Mississippi has just said about the density of the races in these States. According to my recollection, in his own State of Mississippi there is the largest proportion of Negroes to whites in any Southern State, and yet from the analysis which I have, there is one Mississippi city here—and I believe it is quite indicative of the State—in which the crime rate is very low. Indeed, the crime rate there is much lower than it is in the New York-New Jersey area.

Mr. EASTLAND. Mr. President, will the Senator yield? That is exactly what I have been saying. The crime rate there is lower because it is a segregated society.

Mr. JAVITS. Well, the crime rate in other segregated societies is so much higher that it more than makes up for it.

Mr. President, I have never used the crime rate as a reason for arguing against a segregated society. I have used the Constitution, the moral right, the economic and moral strength of the country and elementary justice, and the only time the crime rate has been used is to argue against those who would argue against segregation, and I say that is wrong. It is not a fact, and it is not borne out by the figures. That is all I say.

Mr. THURMOND. I would like to ask the Senator from New York a question. May I ask him a question?

Mr. JAVITS. Oh, of course.

Mr. THURMOND. Would he favor integration, or segregation?

Mr. JAVITS. There is no question about my favoring integration in all things in which a person has a civil right to have equal facilities and equal opportunity with every other.

I am not going to get into a philosophical discussion as to whom one should invite to dinner or whom one's daughter should marry. That is each person's business. I am only talking



about going to school and getting a job and housing and the right to vote and the fundamental rights to which the Constitution of the United States relates. That is all I am talking about. That is all I ever talk about in this connection. That is what I am talking about; that is all I have ever talked about.

Mr. THURMOND. If schools were maintained on a segregated basis, with as good opportunities for one race as for the other, why would the Senator object?

Mr. JAVITS. I would object for the very reason that the Supreme Court—incidentally, by a unanimous opinion—has stated that inherent in segregated schools is a feeling on the part of the individual who is segregated that he is less desirable as a citizen, and as such a person has less opportunity than all citizens. This is wrong. This is not the way our country was organized to operate. This is contrary to the fundamental concept and principle of the Founding Fathers and of the United States. There is a national responsibility, and we must, with reason, intelligence, and justice, do what we can to uphold that responsibility.

Mr. THURMOND. Then I shall ask the Senator this question: Down South, in some of our schools, it has been found advisable to have separate high schools for girls of the same race and separate high schools for boys of the same race. Does the Senator object to that?

Mr. JAVITS. There we get into a question of opinion as to the relative educational merits or standards. I would not wish to express an opinion on that, because I am not an educator. But I do not believe it is similar at all because there the distinction is not based strictly upon color. It is not the same distinction at all. There a distinction is made upon the basis of physical activity in which young people can engage; in particular studies in which they may be interested; and other traditional pedagogical standards, whether right or wrong. It does not involve the same question as when people are separated solely by reason of color.

There are many laws upon the books of the States and of the United States in which special care is taken with respect to the hours of employment and conditions of work of women and children. Those considerations are built into our law. Certainly that does not represent any derogation of the civil rights of those persons. As I have just pointed out, it is not a distinction which is based upon what I consider to be, and what the Supreme Court has considered to be, and what I think the overwhelming opinion of the majority of Americans is; a distinction based upon color, which is contrary to the Constitution.

Mr. THURMOND. The Senator would not insinuate, would he, that because children are segregated because of sex, one sex is inferior to the other?

Mr. JAVITS. No. I think I made myself very clear on that score.

Mr. THURMOND. The Supreme Court held, I believe, that if a child is denied the right to associate with other children, that would not be equal opportunity and would not be due process. In

some schools, for instance, the fifth grade might be so large that it would not be possible to put all the fifth-grade children in one class, and it would be necessary to have two fifth grades in the school. That would be segregation, would it not?

Mr. JAVITS. Mr. President, I think I have made clear my views upon this subject very precisely. The point is that there are many distinctions which are made in our law, and many distinctions are made in our practice about people, with respect to physical frailty, sex, or their particular location at a particular time, and many other things.

Mr. THURMOND. I believe the Supreme Court held that it would be discrimination to segregate. I ask the Senator, if there are equal opportunities, such as good teachers, good buildings, and everything else is equal, how can such equality be termed "discrimination"?

Mr. JAVITS. I believe it is not equality, and therefore it is discrimination.

Mr. THURMOND. It is not equality simply because both races are not allowed to participate?

Mr. JAVITS. It is not equality.

Mr. THURMOND. Suppose everything else is equal, except that one race goes to school here and one goes to school there. Is that discrimination?

Mr. JAVITS. I am not God, and neither is the Senator from South Carolina. The way this country was ordered, this great experiment in Government for all of us, we thought collectively, a long, long time ago—and I believe it has been demonstrated conclusively by our experience since—that the best way to raise a society of justice, intelligence, and productiveness is not to make a distinction between citizens on the ground of color. It is that concept which I believe is sacred to our Constitution and our institutions. Some of us, I think the majority of the country, are trying to carry that out, again, I repeat, with reason and discretion, and with deliberate speed, not, as we are often charged, overnight.

Mr. THURMOND. Does not the Senator feel that it would be better to raise little children in the pattern of life they are going to follow later?

Mr. JAVITS. The Senator from New York hopes that the pattern of life which little children will follow later will be a pattern in which opportunity in education, in housing, in voting, and similar civil rights will be enjoyed in compliance with the U.S. Constitution by everybody as citizens of the same class.

Mr. THURMOND. I ask the Senator from New York why there should be forced integration if it is not to be followed up soon by mixed-race marriages?

Mr. JAVITS. The Senator from New York does not have anything to say about that whatever. I have already made clear that whom a person marries or whom he invites to dinner is his business. It is in no way related to civil rights under the Constitution of the United States. I believe there is a reasonable right to expect that if we get started along the lines of giving citizens equal opportunity in respect to what are their civil rights, we will get to the point within a reason-

able period of time when people will, together, enjoy those rights without distinction as to color.

If I were prepared to freeze into permanence the practices which are now pursued, what would this argument be all about? I am not, because the Constitution expresses exactly the contrary.

Mr. THURMOND. In reply, I may say that the Senator from New York must admit that in much of his own State there is segregation. There is segregation in housing. Tremendous sections of the Senator's State are segregated by race. There is segregation in some of the schools.

The article which the Senator from Mississippi [Mr. EASTLAND] read a few minutes ago states clearly that white people in New York were objecting to Negro children attending the same schools.

Since there is a tremendous amount of segregation in his own State now, does not the Senator from New York believe he has his hands full? Does he not feel that he has a big responsibility to go back home and work on integration in his own home State, and let the poor South alone?

Mr. JAVITS. In the first place, I do not believe the "poor South" is a proper characterization. I think the South is a productive, important, vital part of our country. I am not a bit patronizing, as far as the South is concerned. I have the most friendly, warm feelings for its people, whatever may be said about this matter on the floor.

As to segregation in my own State, certainly there is some segregation in my own State in housing. I do not believe there is any segregation in a willful way in terms of education. But I point out to the Senator from South Carolina what I have pointed out many times in my own State: All the machinery of law, all the public conscience, and a great part of the public activity, is devoted to eradicating it. Much of it has already been eradicated. We are constantly eradicating more. The whole force of public policy is against it. It seems to me that that represents the difference between my State and some of the other States of the Union, where exactly the contrary is true.

As to the Senator from New York going back to New York to attend to his own knitting, I am very much pleased to observe that 3½ million people of the State of New York voted to send me to the U.S. Senate. It would have taken many fewer to send me to the State Senate in Albany. They did not choose to do so. Therefore, so long as I am a Member of the U.S. Senate, I shall try to legislate nationally upon every subject which is the proper care of the Nation, which imperils my Nation, and which imperils, in my opinion, the free world. I shall not be deterred from doing so by being told to go back where I came from, as many other people are told to go back where they came from. That is not American, and nobody knows it better than I.

Mr. THURMOND. If the Senator from New York follows the course he has set out upon, he is going to attempt



to reform the whole United States. We think he has enough work back home, in his own State, among his own people. When he attempts to try to reform the rest of the States, when they have the right under the Constitution to do what they are doing, then we think he had better go back and renew his study of the Constitution, which he learned in law school years and years ago. I believe it would help him very much now to refresh his memory on constitutional law.

Mr. JAVITS. I may say to the Senator from South Carolina that I am a constant student of constitutional law, and I think I am fully well up on the cases. I think, if a vote were taken in the Senate, probably a majority would vote as I do, too. I do not believe I have been derelict in my homework since law school.

So what I have said today is, in my judgment, and I believe in the judgment of the great majority of the people of the country, entirely abreast of constitutional law as it stands today. I respect the right of the distinguished Senator from South Carolina and his colleagues to differ, of course. That is why we are here—to expose our points of view. But I cannot accept the statement that my point of view is rooted in inadequate knowledge of constitutional law.

Mr. THURMOND. I should like to ask the Senator from New York a question which I think is very important. He said he was sent to the Senate to legislate nationally, and that he was not sent to the Senate to legislate for any one State. I wish to ask him a question, as a matter of frankness and candor: Is it not a matter of fact that the reason why he and some of the other Members of Congress who are taking the positions he and they are taking is, not so much because they love the Negro people—because we in the South have done far more for the Negroes than those Senators and their States have—but because, so I understand, in New York the Negroes constitute about 7 percent of the population, but they vote as a bloc, and that the Senator from New York is afraid of that bloc, and, therefore, he is catering to that bloc of votes in order to save his own political hide?

Mr. JAVITS. Well, I suppose the Senator from South Carolina has made his speech, but he has not asked me a question.

Mr. THURMOND. I said, "Is it not a fact?" [Laughter.]

Mr. JAVITS. Of course, I could be very cruel, by asking the Senator from South Carolina what proportion of the population of his State he is serving by his position because of its decided political views. But I will not; I would not insult the Senator.

Mr. THURMOND. In my State the Negroes are voting, and they can vote. But they have sense enough to know that segregation is the only practical way of life in South Carolina.

Mr. JAVITS. I shall not discuss the psychology of the Negroes in South Carolina. But I will say that, in my opinion, in New York the Negroes vote for

either party. It is said that a very large proportion of them vote for the party which is not my party—in other words, vote for the Democratic Party. Bearing in mind the voting pattern of the population of New York City, obviously that is true.

Although of course I would tell the Senator from South Carolina that what he has said is not true and is not borne out by the facts, that is not very important. What is important is this: What is there to the argument the Senator from South Carolina is making that in any way answers the fundamental point that the constitutional rights of people are the care of the Congress, and must be preserved? Why is the Senator's argument that I am "demagoging," a substantial argument directed to the merits? Is it directed to the merits? Does it prove anything as to the correctness or the incorrectness of this cause?

Mr. THURMOND. We believe in the Constitution of the United States; and the Constitution reserves those powers to the States. We expect to exercise those powers.

We believe that if some people in other sections of the country believed truly in the Constitution, and did not attempt to get the Congress to pass legislation in violation of the Constitution, and if we could prevent the executive branch and the legislative branch and the judicial branch from usurping the Constitution, this country would be far better off. So long as I remain a Member of the U.S. Senate, I expect to fight for the Constitution.

If some wish to amend the Constitution, that is another matter. If the Senator from New York wishes to change the way of life of the American people in the field of education, in the field of marriage, and in various other fields not now permissible for the Congress to legislate on, he has the prerogative to institute and initiate action toward that end. But at the present time the Federal Government does not have that authority; and we are standing foursquare on the Constitution, because we are confident that it is best for this Nation.

Mr. JAVITS. I should like to say that what the Senator from South Carolina has just now said is an answer. I do not accept it as a good answer; but it is an answer.

But again I point out that the motives with which the Senator from South Carolina has charged me—and I am his friend, anyhow—are not an answer; that is all.

Mr. THURMOND. In reply, I wish to say that what I said was not directed personally at the Senator from New York. But is not that true of most of the Members of Congress who come from States in which the minority blocs control the elections; and, therefore, the candidates, or most of them, feel that they are obligated or that they have to do that, in order to get elected?

Mr. JAVITS. I think we have fully explored that question. I do not believe we could cast any more light on it. I only say to the Senator from South Carolina that I believe in my heart in the sincerity of others who espouse the

same views; I believe they are fully as sincere as I am.

Mr. ELLENDER. Mr. President, will the Senator from South Carolina yield to me?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from South Carolina yield to the Senator from Louisiana?

Mr. THURMOND. I yield.

Mr. ELLENDER. I wish to ask a question. A moment ago the Senator from New York discussed crime, and tried to compare the crimes committed in New York and other States with the crimes committed in the South.

I remember that recently the crime wave in New York was based on racial differences; the Puerto Ricans and the Negroes banded together—and they are still doing it—and fought the gringos, on the one hand, and the white Americans, on the other. Is not that a correct statement?

Mr. THURMOND. The Senator from Louisiana is eminently correct. Any crime that has occurred in the South has not occurred because of racial disorders or racial differences. But the crimes which have occurred in the North—according to the newspaper and magazine reports—are directly the result of racial troubles.

Mr. ELLENDER. That is the point I wanted to clear up.

Mr. THURMOND. I thank the Senator from Louisiana.

Mr. President, let us look at other so-called findings and recommendations of the Commission, concerning which the Commission has admitted there is practically no information available on which to base any finding or recommendation. Some of the Commissioners made a finding that there is a lack of uniformity of laws with respect to the preservation of voting records. Mr. President, this is indeed a profound revelation. It is profound in spite of the fact that it is what our forefathers and the drafters of the Constitution intended in the first place, and what is basically inherent in our whole system of government, in the second place. The very fact that we do not yet have a totalitarian Government should have been enough in itself to indicate that the States still had the right to have differences in their laws on a subject which is exclusively within the sovereign power and authority of each of the several States.

It is in the recommendation, Mr. President, that either the utter irresponsibility or the abysmal ignorance of the Commissioners who joined in this recommendation stands out. These Commissioners recommended that the Federal Government enact legislation which would require the maintenance of all voting records for a period of 5 years and that such voting records be open to public inspection. Such a statute would obviously be unconstitutional, but the remainder of this report proves unquestionably that such a consideration played no part in the judgment of the avid integrationist members of the Commission.

The third item listed as a recommendation under the discussion of voting is,



to say the least, a confusing compilation of words lacking not only a complete thought, but any thought at all. The discussion called "background," when combined with the so-called findings, convey a rather hazy impression that the Commission is lamenting the fact that some private citizens do not choose to serve on registration boards.

This discussion mentions the fact that, in some instances, some members of the boards have resigned their post, and that the State officials responsible for filling the vacancies have delayed in doing so. The Commission concludes that such conduct, presumably by the resignees and the State officials, is arbitrary, capricious, and without legal cause or justification. To remedy the situation, if indeed the Commission has any particular situation in mind, the Commission recommends that an additional section be added to part IV of the so-called Civil Rights Act of 1957 to prohibit any person from being a nonfeisor under color of State law, arbitrarily, without legal justification or cause, if any such nonfeasance results in somebody being unable to register. Consideration of the lack of constitutional authority for the Federal Government to interfere in State matters is again belied by this so-called recommendation.

The next discussion of the Commission included under the topic of voting has nothing whatsoever to do with voting—and this, incidentally, is in line with the organization of the rest of this report and the thinking which spawned it. At this point the report goes into the matter of witnesses who decline to testify before this insidious body. As in so many instances, the so-called recommendations have, not surprisingly, attempted to justify expanded authority for the Commission. In this particular instance, those of the Commission who joined in this recommendation, would have the Commission authorized to apply directly to the appropriate U.S. district court for orders enforcing subpoenas where the subpoenaed person declined to testify.

After this diversion into matters more extraneous even than the other parts of the report, the Commission returned to a discussion of persons declining to serve on registration boards. At this point, there is an additional so-called recommendation which surpasses by a considerable extent in complete disregard of the Constitution and our federated republican form of government anything that has come previously in the report. This proposal is for the appointment of a Federal registrar who would determine what persons under the terms of State law were eligible to vote and would dictate the registration lists to the State boards of registration. Such a proposal would not only be unconstitutional, but would, in fact, establish a Federal dictatorship—if indeed it could be enforced. One would think that the authors of such a proposal were existing mentally in reconstruction days and writing regulations for the conduct of civil affairs by the occupying Union troops. It might come as a surprise to the authors of this proposal and others of a similar mind, but the fact is that

the South is no longer a conquered province. Further, the South has never been, nor will it ever be, conquered by the enactment of such proposals.

Next, the report, apparently for the first time, acknowledges the existence of the U.S. Constitution and, even more surprisingly, the acknowledgment is by the three most avid integrationist commissioners. Their acknowledgment, however, is only in passing and for the sole purpose of "zeroing in" on the target they forewith propose to destroy. Their proposal for destruction embodies a constitutional amendment which would transfer all substantial control and authority over the eligibility of voters from the States, where it now resides, to the Federal Government, where it can only reside in tyranny.

I would note at this point that three of the Commissioners opposed the proposal of such a constitutional amendment, and it is to their everlasting credit that they recognize the inherent danger of such a proposal.

Before passing from this particular proposal, it is worthy to note, in connection with the rationale which prompted the proposal, how the three avid integrationists justified the elimination of any literacy tests from voting eligibility requirements.

First, the Commission noted that the march of education has almost eliminated illiteracy. This they followed with the following unbelievably unrealistic rationale:

In a nation dedicated to the full development of every citizen's human potential, there is no excuse for whatever illiteracy that may remain. Ratification of the proposed amendment would, we believe, provide an additional incentive for its total elimination. Meanwhile, abundant information about political candidates and issues is available to all by way of television and radio.

Such shallowness of mental process could only stem from the deepest of bias.

Mr. President, before turning to the next portion of what someone, in a fit of delusion has mistitled a "report," I would remind the Senate that the first so-called finding under the voting section recognizes that there is an almost complete absence of information on this particular subject. Nothing could better prove the truth of this first so-called finding than the remainder of the section on voting.

In the portion of the report which purports to deal with the field of so-called civil rights and education, the Commission does not find, but certainly indicates by its language, that there is also a dearth of knowledge—in the minds of those who wrote this report, at least—on this particular feature. The initial so-called finding on education by some Commissioners—again, there is no way of telling how many—is to the effect that there is no "guidance" for those communities or school officials who might desire to integrate their schools. This is followed by what is titled a "recommendation" that the Civil Rights Commission be authorized to collect and make available various schemes for integrating the races in the public schools, in addition to authorizing the Civil Rights Commission to establish an "ad-

visory and conciliation service" for school integration.

Mr. President, in my State at least, I can assure the Senate that there is no desire—much less demand—for the advice or conciliation efforts, nor for the integration schemes, of this or any other Federal commission. I doubt seriously whether any such desire exists anywhere. This is just another of those self-serving, self-perpetuating, empire-building justifications.

The only other proposal which is titled a "recommendation" in the field of education is to the effect that the Office of Education and the Bureau of Census conduct a school census to show the number and race of students in public schools. This proposal is included as an answer to the surprising finding that in agencies of the Federal Government and in most State agencies, the records are not kept separate on the basis of race so that there is no way in which to tell how many of the students are of what color. The agitators in the race relations field have long demanded, and apparently finally achieved, the abolition of a most practical and realistic device—the indication of a person's race on his record. Rather than acknowledge that the abolition of this practice was a mistake in the first place, the race agitators would now have the records duplicated with the accent on race by a Federal agency. Quite frankly, Mr. President, such mental gymnastics repulse me.

Once again, Mr. President, the three avid integrationists on the Commission take off on their own proposals on education at this point in the report. In effect they would have all financial assistance of the Federal Government tied to integration practices in "both publicly and privately supported" institutions of higher education. Even if the 14th amendment did apply in such a way that public segregated schools could not be maintained and this is emphatically not the case—even the errant and constitutionally unconscious occupants of the Supreme Court admit that the 14th amendment applies only to State action; and indeed in the discussion of their own proposal, these three Commissioners parrot the words "only State action," but apparently without the slightest understanding of the meaning of this phrase.

The remaining three members of the Commission wrote their best dissent on this point, stating that they could not "endorse a program of economic coercion" and that this proposal, which dealt with institutions of higher education, was completely without the jurisdiction of the Commission under the terms of the act by which it was created. The dissent also reveals that the staff studies of the Commission were limited exclusively in the field of education to elementary and secondary public schools, not private at any level, nor institutions of higher education, whether public or private. This is but another indication, if indeed any additional indication is necessary, that the entirety of the report is a matter of conjecture rather than any intelligent studious approach.

On the subject of housing, I gather that although there are a number of pro-



posals which are entitled "recommendations" contained in this section of the report, none of them has the support of a majority of the Commission, and therefore, could hardly be considered recommendations. The proposals themselves are confusingly worded, ineptly expressed, and hazy in content.

One of the so-called findings which should be of particular interest to the Congress is the fact that the Federal Government plays a major role in housing. I am happy to note that by virtue of this body's action recently, the Federal Government will play a slightly less major role in housing this year than was earlier supposed.

The proposals themselves are easily summarized. They would have the President issue Executive orders to enforce integration of the races in housing in which the Federal Government had any part or participation. In addition, the proposals would have the Federal Government go much further into the fields of public housing and urban renewal.

These proposals are no surprise to me. I have long realized that the race agitators propose to use housing as a tool to mix the races. The three members of the Commission who dissented summed up the proposals quite aptly as suggesting "fixed programs of mixing the races anywhere and everywhere regardless of the wishes of either race." In their proposals the avid integrationists on the Commission spell out the methods by which housing can be used to integrate the races. These are interesting to note because their use is more often by surreptitious means, and here we have them spelled out in the open. For instance, they would adopt a policy of "scatteration" in public housing by sprinkling public housing units throughout residential areas and installing in them persons of a race different from those living in the community. In this connection it is interesting to note that these Commissioners are as much concerned with the problem of getting white people to live in all-Negro units as they are with getting some Negroes to live in all-white units. They recognize, it seems, that the members of neither race ordinarily desire to force themselves on the other.

Mr. President, the policy of "scatteration" is nothing new to the Congress of the United States. I distinctly recall that such a policy was incorporated in the omnibus housing bill reported by the Banking and Currency Committee of the Senate in 1958 but was deleted by an amendment I offered on the floor.

Mr. President, this report should be read by every Member of this body before he votes on the question of continuing the existence of this Commission. A knowledge of what recommendations were made generally or, indeed, whether there were recommendations at all, is not sufficient. There is much revealing language in this report for all its confusion and obscurity. I would like to give two illustrations.

As I mentioned when I was reviewing the section of the report which purported to deal with voting, the report took a diversion to lament the fact that some citizens were disinclined to serve on State registration boards. In this discussion

the report attributes to such persons as one reason for their refusal to serve the "fear of being 'hounded' by the U.S. Civil Rights Commission." What further proof could be needed that the Commission itself is a principal instrument of racial strife and voting difficulties?

Even more revealing with regard to the attitude of some of the more avid integrationists on the Commission itself is a statement by Commissioner Hesburgh. I do not believe I have ever heard the Marxist philosophy more succinctly stated than in the words of Commissioner Hesburgh in his comments near the end of the report, where he said:

Again, the use of public money for the benefit of all, equal opportunity, is a cardinal principle.

The question before this body is whether to continue an ill-conceived instrument of racial strife, wielded under the influence of philosophies alien to all that true and patriotic Americans hold dear.

When the so-called civil rights bill of 1957 was considered by this body, I opposed the bill, including the creation of the Civil Rights Commission. Although I spoke at some length concerning the defects of the proposal to create such a body, my objections fell largely on emotion-closed ears. I would like to recall to the Senate some of my comments on what was at that time a proposed Civil Rights Commission. On that occasion, I said:

Mr. President, I am opposed to the creation of a Commission on Civil Rights as proposed in part I of H.R. 6127.

To begin with, there is absolutely no need or reason for the establishment of such a Commission. If there were any necessity for an investigation in the field of civil rights, such an investigation should be conducted by the States or by an appropriate Committee of the Congress, acting within the jurisdiction of congressional authority. It should not be done by a Commission.

I also object to part I of H.R. 6127 because of the fact that it places duties upon the Commission and endows it with powers which no governmental commission should have.

In fact, Mr. President, the language of the bill proposing to establish this Commission is so broad and so general that it may encompass more evils than have yet been detected in it.

Under its duties and powers the Commission would be able to subpoena citizens to appear before it to answer questions on many subjects outside the scope of elections and voting rights.

Section 104(a) provides the Commission shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;"

Mr. President, the bill, in part IV, contains an additional protection of the voting right of citizens above and beyond present State and Federal laws. Provision is made for enforcement of part IV, and there were already sufficient enforcement provisions to carry out the intent of the existing State and Federal laws. I do not see how a Commission could enhance the investigative powers

of law-enforcement officers nor the enforcement and punitive authority of the courts.

I can see no valid reason why a Commission should be created, in addition to the legal enforcement procedures, unless the purpose is for the Commission to stir up litigation among our people.

This bill has been advertised, promoted, and ballyhooed as a right to vote bill. However, I want to cite two paragraphs which give broad authority for investigations other than alleged violations of a person's right to vote.

Section 104(a) provides the Commission shall—

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

"(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution."

Instead of limiting the power of the Commission, these two paragraphs provide it with carte blanche authority to probe into and meddle into every phase of the relations existing between individuals which the Commission and members of its staff could conjure up.

I want to call particular attention to a divergence in language between paragraphs 2 and 3. Paragraph 2 refers to a study of "legal developments constituting a denial of equal protection." Paragraph 3 says "appraise the laws and policies of the Federal Government with respect to equal protection."

The significant thing here is the omission of the specific intent of paragraph 2. Although the language of paragraph 2 is obscure and omits a governmental reference, it obviously must refer to State and local governments, else it would be redundant and have no meaning at all.

Also, as I pointed out, investigations conducted under paragraphs 2 and 3 could go far afield from the question of voting rights. The Commission could exert its efforts toward bringing about integration of the races in the schools, and elsewhere, under the authorization of these two paragraphs. Combining its authority to investigate on an unlimited scale and its authority to force witnesses to answer questions, the Commission would have a powerful weapon.

Mr. President, I do not believe the people of this country realize the virtually unlimited powers of inquiry which would be placed in the hands of this political Commission. While the Commission would have no power to implement its desires, I do not believe the people of this country want such a totalitarian type of "persuasion" imposed upon them.

Part I of H.R. 6127 purports to create a Civil Rights Commission. Actually, it would create a traveling investigation commission.

Section 103(b) of part I also would place tremendous power within the grasp of the Attorney General with reference to members of the Commission "otherwise in the service of the Government." The clear implication is that whoever drafted this scheme to send traveling agents over the country intended to make use of certain members of the executive branch of the Federal Government. I don't believe it would be necessary to look farther than the Justice Department to determine where Commission members already in Government service would be secured. By placing his employees on the Commission, the Attorney General would transform the traveling agents into an additional investigative arm of the Justice Department.

Mr. President, I next call attention to the potential abuse found in section 102(g) under the innocuous title, "Rules of Procedure of the Commission." That section provides that:

"No evidence or testimony taken in executive session may be released or used in public



sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than \$1,000, or imprisoned for not more than 1 year."

In an editorial of July 26, 1957, the Washington Post very correctly pointed out how this section could be used to imprison reporters and other citizens for disclosure of what a witness might voluntarily tell them. This editorial provides a penetrating and enlightening criticism of this section. Because of its pertinency and fine analysis, I shall read the last three paragraphs of the editorial which is entitled "Open Rights Hearings," which states:

"The bill contains an invitation to the Commission to operate behind closed doors. It provides that if the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall \* \* \* receive such evidence testimony in executive session. Some closed sessions may be necessary to avoid unfair reflections upon individuals, but these should certainly be an exception to the general rule. In our opinion, this section ought to be rewritten in a more positive vein to provide that sessions of the Commission should be open to the public, unless it should find that closed hearings were essential to avoid unfairness.

"The House also wrote into the bill a dangerous section providing for the fining or imprisonment for not more than one year of anyone who might 'release or use in public,' without the consent of the Commission, any testimony taken behind closed doors. If the Commission should choose to operate under cover, without any valid reason to do so, newspaper reporters and other citizens could be jailed for disclosure of what a witness might voluntarily tell them. This is a penalty that has been shunned even in matters affecting national security. Such a provision is an invitation to abuse and a serious menace to the right of the people to know about the activities of governmental agencies.

"It is well to remember that this would not be merely a study Commission. In addition it would be under obligation to investigate allegations that persons were being deprived of their rights under the 14th and 15th amendments. It could subpoena witnesses and documents and appeal to the courts for enforcement of such edicts. Its powers would be such that it should be held to scrupulous rules of fairness. To encourage the Commission to operate in secret, and then to penalize news media and citizens for disclosing what should have been public in the first place, would be the sort of mistake that Congress ought to avoid at the outset."

Mr. President, I think the points made in the editorial are clear and valid. Secrecy in the activities of such a Commission could only lead to a denial of the rights of an individual rather than to protection of his rights.

Another subject which must not be passed over is the subpoena power of the Commission. Section 105(f) provides that "subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission."

Mr. President, many of the committees and special committees of the Congress do not have this power. The Truman Commission on Civil Rights did not have it. The subpoena is a punitive measure, generally reserved for penal process whereby powers are granted to force testimony which would not otherwise be available. If the proposed commission were simply a factfinding commission and nonpolitical, the extreme power to force testimony by the use of a subpoena would not be needed.

Neither would the power contained in section 105(g) which provides that Federal courts shall have the power, upon application by the Attorney General, to issue "an order requiring" a witness to answer a subpoena of the Commission and "any failure to obey such order of the court may be punished by said court as a contempt thereof."

The power of subpoena in the hands of a political commission and the additional power to enforce its subpoenas by court order diverge from the authority of the traditional American factfinding commission.

I look with suspicion upon such a commission so endowed with authority, and I object to its establishment.

Mr. President, I want to discuss another reason, briefly, why I would be opposed to the establishment of the commission proposed in part I of H.R. 6127. Every appropriation bill which has come before the Senate this year has been reduced by the Senate below the budget request. The people of this country have called upon the Members of Congress to reduce the costs of Government, not to increase them by creating new agencies or commissions.

The advocates of the commission might argue that the cost of its operation would not be great, but nowhere in the records of the hearings have I found an estimate of what the total cost would be. If the commission were to exist only for the 2 years provided in the bill, the compensation and per diem allowance of commission members would amount to more than a quarter of a million dollars, not counting their travel allowances.

Since there is no limitation on the number of personnel which might be appointed by the commission, there is no way to estimate the ultimate cost of personnel salaries and expenses. Since the commission is designed to travel over the country at will, very heavy travel expenses undoubtedly would be incurred.

The taxpayers would never know how many of their tax dollars were wasted by virtue of the seemingly innocuous language in section 105(e). Unknown, concealed costs are not, however, the only dangers lurking in that subsection. A serious departure from sound legislative procedure is also involved.

In the past, when creating an agency or commission, Congress retained control of its creation by the appropriation power. This is a wonderful check, Mr. President, against the abuse or misuse of commission authority. Scrupulous care should be taken to preserve it.

However, section 105(e) provides that: "All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties."

Thus the Civil Rights Commission could call on the other governmental agencies to perform many of its tasks. Congressional control over the Commission would be much less than if the Commission had to depend on its own appropriations and would not be permitted to use the resources of other agencies. Once the Commission is created, only another law can check its activity during the period of its existence.

Another thing that concerns me about this Commission is the fact that once a Government agency or commission is established, nothing else on earth so nearly approaches eternal existence as that Government agency or commission. Mr. President, I fear that the 2-year limitation placed upon the Commission in this bill would simply be a starting point, and the people of this country should realize that at this time.

With further reference to section 104(a), I want to point out the use of the mandatory word "shall." This word requires the Commission to investigate all sworn allegations submitted to the Commission of any citizen allegedly being deprived of his right to vote.

But the provision neglects to require that such allegations be submitted by parties in interest—not simply by some meddler who seeks to create trouble between other persons. This is another provision of this bill similar to section 131(c) which would permit the Attorney General to make the United States a party to a case without the consent of the party actually involved.

Another objection to 104(a) is that under this provision a person could make an allegation to the Commission, against a person who was not even a citizen of the same State. Even so, under the mandatory language of section 104(a), the Commission would be required to make an investigation of the charges.

Since the Commission is limited by section 102(k) to subpoenaing witnesses to hearings only within the State of residence of the witness, there would be no opportunity in such a situation for the accused to confront his accuser. Charges against a person should not be accepted by the Commission unless the accuser is a citizen of the same State as the person he is charging with a violation of the law.

Also, Mr. President, once the Commission has received the sworn allegation, there is no requirement that other testimony received relating to the allegation be taken under oath. Failure to make all persons giving testimony subject to perjury prosecutions in the event they testify to falsehoods would surely destroy the value of any such testimony received.

The Commission could and might adopt a rule to require sworn testimony; but I should not like to see the Senate leave that point to the discretion of the Commission because, in my judgment, the Congress should require that practice to be followed.

Mr. President, as I stated earlier, it is my view that an inquiry into the field of civil rights, or so-called civil rights, is entirely unnecessary at this time. The laws of the States and the Federal laws are being enforced effectively.

Should there come a time when information might be needed on this subject, the Congress should not delegate its authority to a commission. In such a delicate and sensitive area, the Congress should proceed with deliberation and care. The appropriate committees of the Congress itself should hold hearings limited to the jurisdiction of the Congress, and the Congress should make its own determination as to the need for legislation.

There is no present indication that any such study will be needed.

Following these remarks, Mr. President, I discussed the constitutional objections to such a Commission. Prior to the creation of the Commission, I was bothered by grave questions as to the constitutionality of such an investigatory group. Passage of time since its creation has strengthened and reinforced my position against the constitutionality of the commission.

I did not and do not perceive from the debate on the so-called Civil Rights Act of 1957 that there was any intention by Senators to subject the Commission to provisions of the Administrative Procedure Act. Had they dared, I strongly suspect that the proponents of that Act would have specifically negated the applicability of the Administrative Procedure Act. The proponents of the 1957 Act wanted all they could get in the way of authority for their vicious unit of disharmony. They dreamed of a true "star chamber," cloaked with arbitrary persecution powers. In their obsession with agitating the race issue, they evidenced



no concern whatsoever with true civil rights, or as I prefer to call them, individual liberties. Their extreme fanaticism on the issue of race was paramount and exclusive—without objectivity, without balance, and without respect for the "supreme law of the land."

My conclusions are not products of speculation or conjecture, Mr. President. Section 102 of the Civil Rights Act of 1957 deals rather exhaustively, for an act of this type, with the rules and rule-making authority of the Civil Rights Commission. A perusal of this section reveals that it is designed almost exclusively as a grant of power to the Commission, rather than a limitation for the protection of the rights of individuals. The text of this section is as follows:

SEC. 102. (a) The Chairman or one designated by him to act as Chairman at a hearing of the Commission shall announce in an opening statement the subject of the hearing.

(b) A copy of the Commission's rules shall be made available to the witness before the Commission.

(c) Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(d) The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpoena additional witnesses.

(f) Except as provided in sections 102 and 105(f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpoena additional witnesses.

(g) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than \$1,000, or imprisoned for not more than one year.

(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

(i) Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session, or, if given at an executive session, when authorized by the Commission.

(j) A witness attending any session of the Commission shall receive \$4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of \$12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpoena issued on behalf of the Commission or any subcommittee thereof.

(k) The Commission shall not issue any subpoena for the attendance and testimony

of witnesses or for the production of written or other matter which would require the presence of the party subpoenaed at a hearing to be held outside of the State, wherein the witness is found or resides or transacts business.

Mr. President, I invite the particular attention of the Senate to subparagraph (c) of section 102:

Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

Mr. President, seldom has a subsection been drafted by any Congress which has been so pregnant with basic deprivations and exclusions of the historical standards of fair play which permeates our jurisprudence, and which we loosely refer to as due-process. Let us examine some of those procedural safeguards which are denied by this section. First, the right of a person appearing before the Commission to be represented by counsel is negated. Substituted for representation by counsel is the right—if it can be so broadly denominated—to be accompanied by counsel. Moral support is no substitute for an active defense. Such a provision can best be compared to allowing an accused person to have a few sympathizers in the audience when he is sentenced.

But there is more. The ridiculous is made fantastic. The right to be accompanied by counsel is itself—weak as it is—limited to one exclusive purpose—that of advising the witness on his constitutional rights. Not on his legal rights, Mr. President, but only on his constitutional rights. I wonder, Mr. President, if the drafters of this language contemplated a monitoring of the advice of the accompanying counsel to assure that counsel would not go astray and speak to the witness concerning some statutory right which might accrue to the benefit of the witness.

Does this subsection indicate a concern with individual liberty, or does it rather have the appearance of a deceitful gloss that gives an impression of preserving due process while actually emasculating it?

The proponents of this legislation also wanted to insure that the accompanying counsel could be prevented from conducting themselves as conscientious attorneys, Mr. President—thus, was included subsection (d) which reads:

The chairman or acting chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

Judging from the overall import of section 102, the "un" which prefixes "professional" in subsection (d) must have been included by oversight. Consistency belies its inclusion.

Subsection (g) established the "star chamber" session of the Commission. This subsection so completely ignores constitutional safeguards contained in the Constitution and imposed by the people for the protection of individual liberties, that one would logically conclude that its proponents had formerly existed in a vacuum, rather than in a de-

mocratic society. It is completely incompatible with freedom of speech and the press. It precludes the right of confrontation of accuser by the accused, as well as the right of cross-examination. Its purport is reinforced by subsection (i), which specifies that a witness may purchase a copy of his own testimony, but omits any authorization for a witness to even see the testimony of an accuser.

Mr. President, I would be the first to admit—nay, assert—that the requirements of "due process" vary considerably, depending on the proceedings to which they are applied. The requirements are most strict when applied to a criminal prosecution. In some proceedings, where no basic right of the individual is involved, little, if any, application of due process safeguards are demanded by the Constitution nor required by good conscience.

It should be clear, however, that a criminal prosecution includes more than the formal trial itself. Indeed, historically, much of the concern which the courts have evidenced over the application of due process in criminal prosecutions has been in the pretrial area of apprehension, and preparation of the prosecution case against the accused. This is the precise area into which the investigations of the Civil Rights Commission were intended to, and in fact, did, fall.

By the terms of the act itself, investigations by the Commission must be predicated on a complaint that either a statute or the Constitution has been violated. The Commission was given, and has exercised, the power to subpoena those accused. Part II and part III strengthened the machinery for prosecution of violations established by the Commission.

There can be but one logical conclusion. The Civil Rights Commission is unconstitutional.

If there be any doubts—and I can conceive no basis for doubt—of the unconstitutionality of this Commission, stemming specifically from the rulemaking power granted in section 102, consider the rules of the Commission. They are as follows:

1. Under Public Law 85-315, section 105(f), the Commission on Civil Rights may hold hearings and issue subpoenas or authorize a subcommittee to hold hearings and issue subpoenas under the following conditions:

The Commission or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpoenas for the attendance and testimony of witnesses or the production of written or other matters may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman.

2. All such hearings of the Commission will be governed by the following statutory rules of procedure provided in section 102 of Public Law 85-315:

(a) The Chairman or one designated by him to act as Chairman at a hearing of the



Commission shall announce in an opening statement the subject of the hearing.

(b) A copy of the Commission's rules shall be made available to the witness before the Commission.

(c) Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(d) The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpoena additional witnesses.

(f) Except as provided in sections 102 and 105(f) of this act, the Chairman shall receive and the Commission shall dispose of requests to subpoena additional witnesses.

(g) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than \$1,000, or imprisoned for not more than 1 year.

(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

(i) Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

(j) A witness attending any session of the Commission shall receive \$4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of \$12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpoena issued on behalf of the Commission or any subcommittee thereof.

(k) The Commission shall not issue any subpoena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpoenaed at a hearing to be held outside of the State, wherein the witness is found or resides or transacts business.

3. In addition to these statutory provisions, the Commission has adopted the following supplementary Rules of Procedure:

(a) All the provisions of section 102 of Public Law 85-315, incorporated in rule 2 above, shall be applicable to and govern the proceedings of all subcommittees appointed by the Commission pursuant to section 105 (f) of Public Law 85-315, incorporated in rule 1 above.

(b) At least two members of the Commission must be present at any hearing of the Commission or of any subcommittee thereof.

(c) The holding of hearings by the Commission or the appointment of a subcommittee to hold hearings pursuant to the provisions in rule 1 above must be approved by a majority of the members of the Commission

or by a majority of the members present at a meeting at which at least a quorum of four members is present.

(d) Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued over the signature of the Chairman of the Commission by the chairman or by the Chairman upon the request of a member of the Commission.

(e) Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued over the signature of the chairman of a subcommittee appointed pursuant to the provisions of rule 1 above by the Chairman or by the Chairman upon the request of a member of the subcommittee.

(f) An accurate transcript shall be made of the testimony of all witnesses in all hearings, either public or executive sessions, of the Commission or of any subcommittee thereof. Each witness will have the right to inspect the record of his own testimony. A transcript copy of his testimony may be purchased by a witness pursuant to Rule 2(i) above. Transcript copies of public sessions may be obtained by the public upon payment of the cost thereof.

(g) Any witness desiring to read a prepared statement in a hearing shall file a copy with the Commission or subcommittee 24 hours in advance. The Commission or subcommittee shall decide whether to permit the reading of such statement.

(h) The Commission or subcommittee shall decide whether written statements or documents submitted to it shall be placed in the record of the hearing.

(i) Interrogation of witnesses at hearings shall be conducted only by members of the Commission or by authorized staff personnel.

(j) If the Commission pursuant to rule 2(e), or any subcommittee thereof, determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall advise such person that such evidence has been given and it shall afford such person an opportunity to read the pertinent testimony and to appear as a voluntary witness or to file a sworn statement in his behalf.

(k) Subject to the physical limitations of the hearing room and consideration of the physical comfort of Commission members, staff, and witnesses, equal and reasonable access for coverage of the hearings shall be provided to the various means of communications, including newspapers, magazines, radio, news reels, and television. However, no witness shall be televised, filmed or photographed during the hearing if he objects on the ground of distraction, harassment, or physical handicap.

4. Public Law 85-315, section 105(g) provides that in case of contumacy or refusal to obey a subpoena of either the Commission or a subcommittee thereof, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Mr. President, these are the rules as approved and adopted by the Commission July 1, 1958. They are beyond question responsive to the terms of the act which created the Commission. They

emphasize by implementation and expansion the unconstitutionality of the act creating the Commission.

I am not alone in my assertions as to the constitutional implications of this statute, Mr. President. For instance, the State of Arkansas, through its attorney general, filed a brief with the Federal district court in Louisiana, which said in part:

The Civil Rights Commission is extraordinary, if not unique, in that it intends to function much the same as a congressional investigating committee and if its apparent interpretation of the law creating it (Civil Rights Act, Public Law, 85-315, title 42, U.S.C.A. sec. 1957 et seq.) is sustained it possesses all the power and authority of a "star-chamber" undertaking. It is the assumption by the Commission or the delegation by the Congress of this power and authority which gives rise to the serious question of the Committee's legal existence. If the Civil Rights Commission is not subject to the provisions of the Administrative Procedure Act (5 U.S.C.A. secs. 1001 et seq.), then that portion of the Civil Rights Act creating the Commission is invalid as a violation of article I and amendments 5, 6 and 9 of the Constitution of the United States.

I. THAT PORTION OF THE CIVIL RIGHTS ACT CREATING THE CIVIL RIGHTS COMMISSION IS AN UNCONSTITUTIONAL DELEGATION OF AUTHORITY BY THE CONGRESS AND IT DEPRIVES WITNESSES BEFORE IT OF THEIR RIGHTS AS GUARANTEED BY THE CONSTITUTION OF THE UNITED STATES

The right of Congress to investigate through its own agency is unquestioned. This right is derived from its determination or duty to legislate upon particular subject matter. It may be well to point out here that in the field assigned to the Civil Rights Commission there was companion remedial legislation (42 U.S.C.A. sec. 1971) thoroughly covering the subject matter the Commission was supposed to investigate. One may obliquely inquire at this point as to what further legislation could be contemplated based on any investigation and finding made by the Civil Rights Commission. It is true that in *U.S. v. Rains* (172 F. Supp. 557, sec. 1971, par. (c)) was held unconstitutional but the remedy, if any, for that deficiency will be found in constitutional legislation, not further Commission investigation.

It is well to keep in mind that this Commission is greatly dissimilar to the great body of regulatory agencies which possess investigative powers. Those regulatory agencies investigate with a view to determining facts in relation to violations, compliance, etc., with the law they administer. The Civil Rights Commission investigates for the sake of investigation. There is no framework of law in which the Commission operates; in fact, there is no law to administer and no authority to regulate. As pointed out in complainants' trial brief, the Commission is not limited to the investigation of voting deprivations committed or caused by State officers or even where an individual acting under the guise of State authority deprives some person of his voting privilege, but extends to every possible situation irrespective of the authority of Congress to legislate with reference to that situation. This fact in itself is sufficient to render the act unconstitutional. See *McGrain v. Daugherty* (273 U.S. 135); *Kilbourn v. Thompson* (103 U.S. 168); *U.S. v. DiCarlo* (102 F. Supp. 597).

If this Commission has been clothed with all the power and authority of Congress, and the law creating the Commission is very reminiscent of a House or Senate resolution creating a special investigating committee of its members, it must, of course, be bound



by at least the same ground rules and constitutional limitations. If it can be successfully argued that the Civil Rights Commission is not subject to the Administrative Procedure Act, then an inquiry must be made into what rules, regulations and laws do apply to the Commission's proceedings. The only place one can find the answer is in the act itself, and even a casual reading of the act indicates that there is no answer. To examine these provisions in the light of what the Commission considers the limitations are, is to be startled if not shocked by the ignoring of the constitutional rights of individuals who may be called before it. The rules of the committee reflect the validity of this statement. The authority to make these rules must be inferred from the provision of section 1975a (there is no express grant of such authority).

Section 1975a(c) does allow witnesses to be accompanied by counsel "for the purpose of advising them concerning their constitutional rights." It does not provide that a witness may assert his constitutional rights before the Commission. If this last appears to be an unworthy observation it is no less unworthy than the Commission's conclusion regarding a witness' right to be informed of the nature of the investigation or his right to cross-examine other witnesses. The Commission's power to investigate must be exercised with due respect for the rights of witnesses appearing before it. See *Sinclair v. U.S.*, 279 U.S. 263. The Commission by its rules and attitude has indicated that it considers itself and its activities above the requirements of the Constitution and the restriction of fairplay. The real difficulty here is that Congress has not provided any standard or means of accomplishing the Commission's somewhat hazy mission. Such a standard or means must necessarily be present in order to validate the Commission's existence. See *U.S. v. C. Thomas Stores*, 49 F. Supp. 111; *U.S. v. Wright*, 48 F. Supp. 687. The Civil Rights Commission, under the guise of declaring procedural rules and investigative policy, has legislated substantive laws out of existence. If the Commission is correct in this assumption of such broad rulemaking power, then Congress has delegated legislative authority which even Congress itself may not possess. It is no answer to the problem posed here to say that the complainants or other witnesses may assert their rights when denied by the Commission through resort to the Court. To single out every invalid rule which has or might be promulgated by the Commission would place an insurmountable burden on those subject to appearance before it.

## II. THE CIVIL RIGHTS COMMISSION IS SUBJECT TO THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT

The Civil Rights Commission is operating and acting with the expressed sanction of the Congress behind it and as such, is an agency of the Government. *Laster v. Guy F. Atkinson Co.*, 176 Fed. 2d 984; *Donahue v. George A. Fuller Co.*, 104 F. Supp. 145. As an agency of the Government, the Commission's function is subject to the Administrative Procedure Act, unless excepted. The exceptions to the Administrative Procedure Act are few and simple and a consideration of the exceptions set forth in the act show that the only possible way in which the Civil Rights Commission could be excepted is through a proper and express delegation of authority by law. There is nothing in the Civil Rights Act creating the Commission that even hints of an exception.

"Exemptions from the terms of the Administrative Procedure Act are not lightly to be presumed in view of the statement in section 12 of the act that modifications must be expressed" (*Marcello v. Bonds*, 349 U.S. 302).

The protection afforded by the Administrative Procedure Act should be equally available to protect personal rights as well as property rights. *L. A. Tucker Truck Lines v. U.S.*, 100 F. Supp. 432. The intended course of the Commission under its rules and pronouncements as reflected in the complaint virtually strips the complainants of all the protection sought to be afforded by the Procedure Act. This is exactly the sort of conduct the Administrative Procedure Act was intended to prevent:

"The Administrative Procedure Act was framed as a check upon administrators whose zeal might otherwise carry them to excess not contemplated in the legislation creating their offices. It creates safeguards even narrower than the constitutional ones, against arbitrary official encroachment on private rights" (*U.S. v. Morton Salt Co.*, 338 U.S. 632).

It is not necessary to engage in extensive analysis of the terms of 42 U.S.C.A., section 1975. The Civil Rights Commission is so obviously an agency of the Government that argument to the contrary is facetious. It is equally obvious that there is no statement exempting the Commission from the provisions of the Administrative Procedure Act and any rules making authority the Commission may possess must be exercised only within the limitations placed upon it by the Administrative Procedure Act.

Mr. President, the Attorney General of the sovereign State of Arkansas is referring in this brief to the body which the Congress created in 1957, and into which it is proposed that we now breathe life for another 2 years.

Mr. President, we have more than assertions of unconstitutionality to face in assessing this proposal to extend the life of the Civil Rights Commission. We have a finding of the Court—not a State court—but a Federal court, mind you. The finding of the court to which I refer is in the decision of the U.S. District Court for the Western District of Louisiana in the case of Margaret M. Larche against John A. Hannah, rendered July 12, 1959. The order of the court is as follows:

### RULING ON APPLICATIONS FOR TEMPORARY RESTRAINING ORDERS

We are called upon here to pass tentatively upon one of the burning issues of our time—the propriety and validity of the rules and proceedings of the Civil Rights Commission, as established by Congress in September 1957.

That Commission now proposed to hold a hearing, in the Federal courtroom at Shreveport, La., on July 13, 1959, to investigate purported violations of the civil voting rights of some 67 persons, who are said to have filed sworn complaints with the Commission. Pursuant to, and in implementation of, its plans, the Commission has caused subpoenas, and subpoenas duces tecum, to be served upon the plaintiffs in these suits, commanding them to be present and give testimony at the hearing, and requiring the 16 registrars of voters, who are plaintiffs in civil action No. 7479, to bring with them, for inspection and copying by the Commission, a large number of records from their offices.

These suits, brought against the members of the Commission, and the Commission itself, were filed on July 10, 1959, and are addressed to the equitable powers of this court. They seek to stay the effectiveness of the Commission's subpoenas and subpoenas duces tecum, and to restrain and enjoin the conduct of the proposed hearing itself, which, plaintiffs aver, under the rules of procedure adopted by the Commission, would violate their fundamental constitu-

tional rights and cause them immediate and irreparable damage. Moreover, praying that a three-judge court be convened for that purpose, the registrar-plaintiffs ask that the act creating the Commission be declared violative of the Federal Constitution, and thus unenforceable.

Detailing their complaints, supported by sworn affidavits and exhibits attached (and here briefly paraphrased), the registrar-plaintiffs, in civil action No. 7479, allege that between June 29, 1959, and July 6, 1959, each of them was served with subpoenas and subpoenas duces tecum, issued by the Chairman of the Commission, commanding them to appear and testify before the Commission on July 13, 1959, and to bring their records with them; that they have not been informed of the nature of the complaint or complaints against them, nor have they been assured that they will be confronted with the complaining witnesses; that the Commission repeatedly has informed the attorney general of Louisiana, verbally and in writing, that it would not under any circumstances, furnish plaintiffs with, or permit them to examine the written complaints filed against them, nor would it divulge the name or names of the secret complainants, all of which is arbitrary and unreasonable, and in violation of plaintiffs' fundamental rights.

They further aver that they, at all times, have complied with the laws of the State of Louisiana, but that the subpoenas served upon them would require them to violate such laws, in that the registrars' records legally may not be removed from their offices, except upon an order of a competent court, criminal penalties being provided for violations of these statutes; and that the Commission is not a competent court. Hence, they say, to comply with the subpoenas, they would be violating the State laws, and subjecting themselves to the penalties thus provided.

These plaintiffs further allege that, attached to the subpoenas served upon them, was a mimeographed document entitled "Rules of Procedure for Hearings of the Commission on Civil Rights" in which appears the following: "(i) Interrogation of witnesses shall be conducted only by members of the Commission or by authorized staff personnel;" and that thereby plaintiffs are deprived of their constitutional right to cross-examine witnesses who may testify against them. They contend that the Commission and its members thus are acting in an ultra vires manner in (1) attempting to force the plaintiffs to testify at the proposed hearing without first advising them of the nature of the complaint or complaints existing; (2) without allowing plaintiffs to be confronted by the complaining witnesses; (3) not allowing plaintiffs to have counsel empowered to fully represent their interests in such hearing; (4) not allowing cross-examination of the complaining witnesses; and (5) causing irreparable damage to plaintiffs by requiring them to violate the laws of Louisiana, which would subject them to serious criminal penalties. In their brief, they also urge, as a direct incident of the hearing itself, with unnamed and unknown witnesses testifying against them, not subject to cross-examination by plaintiff's counsel, that they will be wrongfully accused of violations of both Federal and State laws, without adequate opportunity to disprove such accusations, and thus be held up, by the Commission's actions, to public opprobrium and scorn, all to their irreparable injury and damage.

They further contend that the Commission, being an agency of the executive branch of the Federal Government, is subject to the provisions of the Administrative Procedure Act and, as such, is required to state explicitly the charges against plaintiffs,



to permit them to be confronted with the witnesses against them, and to allow their counsel fully to cross-examine such witnesses. Accordingly, these plaintiffs seek the relief hereinabove outlined.

In general, the plaintiffs in civil action No. 7480, who are individual citizens of Louisiana, make the same allegations and contentions as those in No. 7479, except that they have not been called upon to produce any official records. They do not challenge the constitutionality of the act creating the Commission, but otherwise their prayer for relief is substantially similar to that in No. 7479.

Several days prior to July 10, 1959, we were advised by plaintiffs' counsel that they would file these suits on the date indicated. While, as a general rule, applications for temporary restraining orders are considered ex parte, solely on the face of the verified complaint and any attached documents, because of the national importance of the matters involved, we immediately notified counsel for the Commission, and its vice chairman, Hon. Robert G. Storey (a personal friend of the court of long standing), of our information, and invited them to be present for a hearing on the applications. The suits were filed at 1:30 p.m. on July 10, and at 2 p.m., in open court, these gentlemen, and counsel for plaintiffs, being present, we convened court, but immediately recessed in order to give the Commission's representatives opportunity to study the complaints and briefs filed by plaintiffs. At 3:30 p.m. we reconvened and heard oral arguments, from both sides, until 5:20 p.m., at which time the matter of the restraining orders was submitted for decision on the oral arguments and briefs filed by the proponents and opponents of the applications. We have considered the able arguments, studied the respective briefs and authorities cited, and now proceed to our ruling. Necessarily, because of the time element, we have been compelled, under great pressure, to consider the questions rather hastily, and we reserve the right to alter our views, if necessary, after more mature deliberation.

The Court has jurisdiction (28 U.S.C.A. secs. 1331, 1332, 2201, 2282, 2284. *Jones v. Securities Commission*, 298 U.S. 1, 56 S. Ct. 654, 80 L. Ed. 1015).

We are not strongly impressed with the registrar-plaintiffs' contention that the subpenas duces tecum, if complied with, would subject them to criminal penalties under Louisiana law. Literally, of course, if they directly complied without more, they are correct in their understanding of the State law. Practically, however, another and different aspect is presented, for under the Civil Rights Commission Act they can refuse to produce the records, without penalties of any kind, and the only recourse the Commission would have would be to request the Attorney General of the United States to apply to this court, under 42 U.S.C.A. 1975d(g) for an order requiring their production. Plaintiffs then would be protected against State prosecution by the very terms of LSA-R.S. 18:236, as well as by LSA-R.S. 18:169, for this court clearly is a "competent court," within the meaning of those statutes.

Likewise, plaintiffs would suffer no immediate Federal penalties under the act for refusal either to appear or to testify, but would be subject to an enforcement order from this court, which would see to it that their constitutional rights against self-incrimination are adequately protected. Moreover, under the act, since their counsel are entitled to be present, they could be advised, at each step of the proceedings, whether to claim the protection of the fifth amendment, even though, in this day, the general public has come to consider such a claim as tantamount to a plea of guilty, particularly in response to "loaded" questions.

We are strongly of the opinion, however, that plaintiffs' remaining grounds for immediate relief are well taken:

First, it appears rather clear, at this juncture, that the Civil Rights Commission is an "agency" of the executive branch of the United States, within the meaning of that term as defined at 5 U.S.C.A. section 1001(a). See also 42 U.S.C.A. section 1975(a). It performs quasi-judicial functions in its hearings, its fact findings, its studies of "legal developments constituting a denial of equal protection of the laws under the Constitution," and its appraisal of "the laws and policies of the Federal Government" in the same respect. It "adjudicates" by its rulings upon the admissibility of evidence at its hearings and by its determinations of what is or is not the truth in matters before it. Thus, we think that the Commission is subject to the provisions of section 4 of the Administrative Procedure Act, which requires, among other things that persons affected by agency action "shall be timely informed of the matters of fact and law asserted." Here that would encompass the nature of the charges filed against plaintiffs, as well as matters of fact and law wherein the complainants' voting rights allegedly have been violated. The Commission also is subject to section 6 which would require it to grant plaintiffs the right "to conduct such cross-examination as may be required for a full and true disclosure of the facts." This, by its rules, the Commission refuses to do, and in so doing, regardless of its well-intentioned motives, it violates the terms of that act. Plaintiffs are entitled, therefore, to protection against these rules, which would deprive them of their plain rights under the act.

Second, while the statute creating the Commission inferentially permits it to adopt reasonable rules, 42 U.S.C.A. section 1975(b), there is no provision whatsoever in the law to the effect that such rules may include those here complained of, which plainly violate plaintiffs' basic rights to know in advance with what they are charged, to be confronted by the witnesses against them, and to cross-examine their accusers. We cannot believe that Congress intended to deny these fundamental rights to anyone, and because of such belief it is our opinion that these rules of the Commission are ultra vires and unenforceable. Therefore, plaintiffs are entitled to immediate relief against them.

Third, entirely aside from the statutory questions just discussed, the courts of the United States, and their Anglo-Saxon predecessors, always have seen to it that, in hearings or trials of all kinds, persons accused of violating laws must be adequately advised of the charges against them, confronted by their accusers, and permitted to search for the truth through thorough cross-examination. In *Jones v. Securities Commission* (298, sec. 1, 27, 57 S. Ct. 654, 80 L. Ed. 1015), the Supreme Court said:

"A general, roving, offensive, inquisitorial, compulsory investigation, conducted by a commission without any allegations, upon no fixed principles, and governed by no rules of law, or of evidence, and no restrictions except its own will, or caprice, is unknown to our Constitution and laws; and such an inquisition would be destructive of the rights of the citizen, and an intolerable tyranny. Let the power once be established and there is no knowing where the practice under it would end.

"The fear that some malefactor may go unwhipped of justice weighs as nothing against this just and strong condemnation of a practice so odious.

"The philosophy that constitutional limitations and legal restraints upon official action may be brushed aside upon the plea that good, perchance, may follow, finds no countenance in the American system of gov-

ernment. An investigation not based upon specified grounds is quite as objectionable as a search warrant not based upon specific statements of fact. Such an investigation, or such a search, is unlawful in its inception and cannot be made lawful by what it may bring, or by what it actually succeeds in bringing to light."

In *Morgan, et al. v. United States, et al.* (304 U.S. 1, 14, 20, 25, 58 S. Ct. 773, 82 D. Ed. 1129), involving an administrative hearing the Court said:

"The first question goes to the very foundation of the action of administrative agencies entrusted by the Congress with broad control over activities which in their detail cannot be dealt with directly by the legislature. The vast expansion of this field of administrative regulation in response to the pressure of social needs is made possible under our system by adherence to the basic principles that the legislature shall appropriately determine the standards of administrative action and that in administrative proceedings of a quasi-judicial character the liberty and property of the citizen shall be protected by the rudimentary requirements of fair play. These demand 'a fair and open hearing,' essential alike to the legal validity of the administrative regulation and to the maintenance of public confidence in the value and soundness of this important governmental process. Such a hearing has been described as an 'inexorable safeguard.'

"The answer that the proceeding before the Secretary was not of an adversary character, as it was not upon complaint but was initiated as a general inquiry, is futile. It has regard to the mere form of the proceeding and ignores realities.

"Those who are brought into contest with the Government in a quasi-judicial proceeding aimed at the control of their activities are entitled to be fairly advised of what the Government proposes and to be heard upon its proposals before it issues its final command."

In the most recent decision on this subject, handed down by the Supreme Court on June 29, 1959, *Greene v. McElroy*, No. 180 October 1958 Term — U.S. —, — S. Ct. —, — L. Ed. —, 29 L. W. 4528, 4534, 4538, and speaking through Chief Justice Warren, the following language is found:

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right 'to be confronted with the witnesses against him.' This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattox v. United States*, 156 U.S. 237, 242-244; *Kirby v. United States*, 174 U.S. 47; *Motes v. United States*, 178 U.S. 458, 474; *In re Oliver*, 333 U.S. 257, 273, but also in all types of cases where administrative and regulatory action were under scrutiny. E.g., *Southern R. Co. v. Virginia*, 290 U.S. 190; *Ohio Bell Telephone Co. v. Commission*, 301 U.S. 292; *Morgan v. United States*, 304 U.S. 1, 19; *Carter v. Kubler*, 320 U.S. 243; *Reilly v. Pinkus*, 338 U.S.



269. Nor, as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation. *Joint Antifascist Committee v. McGrath*, 341 U.S. 168-169 (concurring opinion)."

Professor Wigmore, commenting on the importance of cross-examination, states in his treatise, 5 *Wigmore on Evidence* (3d Ed. 1949) section 1367:

"For 2 centuries past, the policy of the Anglo-American system of evidence has been to regard the necessity of testing by cross-examination as a vital feature of the law. The belief that no safeguard for testing the value of human statements is comparable to that furnished by cross-examination, and the conviction that no statement (unless by special exception) should be used as testimony until it has been probed and sublimated by that test, has found increasing strength in lengthening experience.

"Where administrative action has raised serious constitutional problems, the Court has assumed that Congress or the President intended to afford those affected by the action the traditional safeguards of due process. See, e.g., *The Japanese Immigrant case*, 189 U.S. 86, 101; *Dismuke v. United States*, 297 U.S. 167, 172; *Ex parte Endo*, 323 U.S. 283, 229-300; *American Power Co. v. Securities and Exchange Commission*, 329 U.S. 90, 107-108; *Hannegan v. Esquire*, 327 U.S. 146, 156; *Wong Yang Sung v. McGrath*, 339 U.S. 33, 49. Cf. *Anniston Mfg. Co. v. Davis*, 301 U.S. 337; *United States v. Rumely*, 345 U.S. 41. These cases reflect the Court's concern that traditional forms of fair procedure not be restricted by implication and without the most explicit action by the Nation's lawmakers, even in areas where it is possible that the Constitution presents no inhibition."

These authorities, therefore, clearly establish additional reasons why plaintiffs should be granted immediate relief.

Fourth, there is every reason to believe, considering that the Commission has announced its receipt of complaints from some 67 persons, that those persons will testify that plaintiffs have violated either the State or Federal laws, or both. Plaintiffs thus will be condemned out of the mouths of these witnesses, and plaintiffs' testimony alone, without having the right to cross-examine and thereby to test the truth of such assertions, may not be adequate to meet or overcome the charges, thus permitting plaintiffs to be stigmatized and held up, before the eyes of the Nation to opprobrium and scorn. Moreover, not knowing in advance the exact nature of the charges to be made against them, some of the plaintiffs, whose official domiciles are at varying distances up to 250 miles from Shreveport, may not be able physically to obtain the presence of witnesses of their own, who might negative or disprove the claims of the complaining witnesses, especially since the Commission has announced that its hearing will last only 1 day.

These are further solid reasons, showing possible or probably irreparable injury to plaintiffs, which justify their being granted immediate relief.

Fifth, and finally, plaintiffs raise very serious questions regarding the validity—the constitutionality—of the very Act which created the Commission. We do not intimate here any opinion as to the constitutionality of the statute, for that is a matter to be decided by the three-judge court to be convened by the chief judge of this circuit. However, the seriousness of the attack must be noted in considering whether a temporary restraining order should be issued, to stay the effectiveness of the statute until its validity vel non can be determined by the three-judge court after hearing on plaintiffs' application for an interlocutory injunction. See *Ohio Oil Co. v.*

*Conway*, 279 U.S. 813, 49 S. Ct. 256, 73 L. Ed. 972, where the Supreme Court stated, in a per curiam opinion:

"The application for an interlocutory injunction was submitted on ex parte affidavits which are harmonious in some particulars and contradictory in other. The affidavits, especially those for the defendant, are open to the criticism that on some points mere conclusions are given instead of primary facts. But enough appears to make it plain that there is a real dispute over material questions of fact which cannot be satisfactorily resolved upon the present affidavits and yet must be resolved before the constitutional validity of the amendatory statute can be determined.

"Where the questions presented by an application for an interlocutory injunction are grave, and the injury to the moving party will be certain and irreparable if the application be denied and the final decree be in his favor, while if the injunction be granted the injury to opposing party, even if the final decree be in his favor, will be inconsiderable, or may be adequately indemnified by a bond, the injunction usually will be granted. *Love v. Atchison, Topeka & Santa Fe R. Co.*, 185 Fed. 321, 331-332."

In *Crockett v. Hortman*, 101 F. Supp. 111, 115, at page 115, Judge Wright, of the Eastern District of Louisiana, dealing with the constitutionality of a State statute, said:

"Whereas here the questions presented by an application for a temporary injunction are grave, and the injury to the moving parties will be certain and irreparable if the application be denied and the final decree be in their favor, while if the injunction be granted the injury to opposing parties, even if the final decree be in their favor, will be inconsiderable, the injunction should be granted. *Ohio Oil Co. v. Conway*, 279 U.S. 813, 49 S. Ct. 256, 73 L. Ed. 972.

"The determination of the grave constitutional issues presented in this case should not be decided without a trial on the merits, *Polk Co. v. Clover*, 305 U.S. 5, 59 S. Ct. 15, 83 L. Ed. 6, and a temporary injunction should be issued in order that the status quo may be preserved until that time."

To the same effect, see also *Burton, et al., v. Matanuska Valley Lines, Inc.*, 244 F. 2d 647.

This, then, is another ground upon which plaintiffs are entitled to the immediate relief they seek.

For these reasons, the application for temporary restraining orders will be granted.

Thus done and signed, in chambers, at Shreveport, La., on this the 12th day of July 1959.

Mr. President, how can we, in the face of this court order, extend the life of the Civil Rights Commission without violating the oath of each of us to uphold the Constitution? Would not such an extension necessarily imply congressional endorsement of the rules of the Commission, and of the Commission's disinclination to act pursuant to the Administrative Procedure Act? We need to remind ourselves that we are here to uphold the Constitution and represent the people of the several States—not to vent our emotions in legislation or advance our personal political fortunes.

The fact that an appeal from the District Court decision is now pending before a three-judge court does not mitigate against my point, Mr. President. In fact, it emphasizes its validity. The court on appeal could not ignore the action of Congress in extending the life of the commission. Necessarily and properly, the court would have to assume that

Congress acted with full knowledge of the order of injunction.

Mr. President, for what purpose do the proponents of this measure propose that Congress so flagrantly violate the Constitution? What is the nature of the goal which is so imperative that individual liberty must be trampled in the dust?

We can only judge the proposed future of the Civil Rights Commission on its past actions and record. It has functioned for a long enough period to appraise its worth. In 1957, the proponents of the so-called civil rights bill predicted that the commission would uncover the most dire and tragic situations existing in the field of voting rights. The record shows how wrong they were. As of June 30, 1959, the commission had received a total of only 1,036 complaints, sworn and unsworn. Out of these complaints, on any subject within the jurisdiction of the commission, only 254 were by sworn affidavits.

The number of complaints in the voting field is even more indicative of the lack of need for the Commission. Out of the millions of voters in this country, the Commission has received but 315 complaints, sworn and unsworn. In my own State of South Carolina there were three complaints, not a one of which was sworn. Even were there no constitutional question involved in the proposed extension of the commission's existence, we could not justify, from a simple policy standpoint, the expenditure of the funds necessary to sustain this useless agency.

No one knows the uselessness of the Commission, nor the folly of continuing it, better than those who served as members of the Commission. Their statements, although guarded, indicate an extreme lack of enthusiasm which belies any sense of accomplishment. As Dr. Hannah, the Chairman of the Commission, expressed it, that in the period he had tried it, he had found "there is no right answer to all sides." His attitude is evidently shared by his fellow Commissioners who have been reported as expressing reluctance to serve beyond the legal life of the Commission as established in 1957.

It is obvious, Mr. President, that the attempt to extend the Commission is a propaganda effort, done in defiance of the Constitution.

Mr. TALMADGE. Mr. President, We Americans pride ourselves upon being a nation of charitable, understanding and tolerant people motivated by sincere concern for the welfare of humanity.

Yet for the second time in 2 years we in Congress find ourselves giving serious consideration to a proposal that it give its sanction to an agency of government which, by its own report, denies each of those noble impulses.

The Commission on Civil Rights is the antithesis of everything for which we Americans claim to stand.

It knows no charity.

It makes no pretense at understanding.

It is steeped in intolerance. Its report is a calculated insult to the people of the entire southern region of our Nation and to those of us who have the privilege



to serve their interests in the Senate of the United States.

As I contemplate this Commission, the doubtful motives of its sponsors and its alarming portent for evil and tragic results, I find it almost more than I can do to sustain the Christian charity to suppress the resentment which swells within me.

As one who has the honor to represent in part a conscientious and God-fearing people I would be derelict in my duty if I did not express to this Senate in the most emphatic terms at my command the virtually universal sense of outrage and indignation of the citizens of Georgia at being tied to the national whipping post year after year to be ridiculed, castigated, and punished for the political pleasure and gain of those whose stock in trade is racial demagoguery agitation and exploitation.

We in Georgia yield to no one in the sincerity or intensity of our adherence to the principles of justice, decency, and fair play for all.

We have no apologies to make to anyone for what we profess or practice.

To be sure we have our problems and our shortcomings, but we are trying to do something about them.

We make no pretense at being perfect.

Neither do we presume to sit in judgment on the imperfections of others.

In Georgia all children are receiving equal educational opportunities in a modernized public school system for which Georgians are paying 53 cents out of every tax dollar.

In Georgia all qualified citizens, including more than 160,000 colored citizens, are freely exercising the right to vote.

In Georgia economic opportunities for all citizens are being dramatically improved as the result of an industrial revolution which is reshaping our entire economy.

We are proud of the progress which all of our citizens are making working together and we are looking forward to achieving a future of better lives and greater prosperity for all Georgians.

Members of both races are living and working together in harmony and understanding and I am confident that, barring outside interference, that attitude of mutual trust and respect will continue and be enhanced to the benefit of all.

Georgians ask nothing more of the remainder of the Nation than to be left alone to work out our own destiny among ourselves in accordance with the wishes of all the people of Georgia and following the normal course of human relations.

We do not feel that we should be held up to public scorn and ridicule and made the targets of vicious and punitive attacks simply because some people in some States may take issue with our ideas about human relations—ideas which are enthusiastically shared by at least 95 percent of all our citizens.

That Georgia is succeeding in accordance with those ideas in giving the real and meaningful civil rights to all our

citizens is attested to by no less a personage than Dr. John A. Hannah, Chairman of the Commission on Civil Rights.

In that connection I should like to read to the Senate the following colloquy between Dr. Hannah and the Honorable PRINCE PRESTON, Representative in Congress from the First District of Georgia which took place in hearings before the House Subcommittee on Departments of State and Justice, the Judiciary and related agencies appropriations on last April 30:

MR. PRESTON. Dr. Hannah, what conclusions did you reach in Atlanta about housing?

MR. HANNAH. Well, sir, we concluded that there was a story in Atlanta that could well be told to the country. Of course, there is some pretty poor Negro housing in Atlanta, as there is poor housing for Negroes and white folks in other sections of the country, but the Atlanta story is a very interesting story and the progress that has been made in providing an opportunity for Negroes to acquire middle-class, and high-class, housing—while it is true they are segregated in areas—they have some very fine communities. This has been a cooperative effort worked out voluntarily by the Negroes and the white people and the city leaders and the mayor and so on.

Frankly, I was surprised and pleased at what we found in the housing area in Atlanta, not because you happen to be a native of Georgia, but there is a better opportunity provided for middle-class and high-class housing for at least some of these Negroes in Atlanta than in many cities in my part of the country.

MR. PRESTON. Have you found generally in the State of Georgia that the Negro population has no problem about registering and voting?

MR. HANNAH. Well, from personal investigation, certainly in Atlanta and in many other areas that were brought into our discussions there, that is true.

I think there were some indications that perhaps there were some of the isolated rural areas where that might not be true, but I have no firsthand knowledge of that. It is my general impression the voting situation in Georgia is pretty good and getting much better.

MR. PRESTON. In my own district there are one or two counties who have more Negro registered voters than white.

MR. HANNAH. The Congressman recognizes that there are many counties in the South with large populations of Negroes where there is not even one registered.

MR. PRESTON. You would not find that to be true in Georgia.

MR. HANNAH. That is correct.

MR. PRESTON. Georgia is one of the most progressive States in the Union and one of the most liberal States in the Union.

MR. HANNAH. I believe that is right.

There, Mr. President, is the impression gained by one of our Nation's most able and respected educators about the status of human relations in my State of Georgia. I am sure there is no Member of this Senate who would presume to dispute the conclusion of so capable and disinterested an observer of the Georgia scene.

It is also most revealing, Mr. President, to study an analysis of the sources of

the complaints received by the Commission on Civil Rights.

Statistical tables supplied me by the Commission show that, as of last June 30, of the 315 voting complaints received by the Commission from its inception through that date only one came from the State of Georgia and that one was unsworn. A comparison with some of the States from which much criticism of Georgia's ideas on human relations have come shows that twice as many complaints were received from the States of Illinois, Indiana, Missouri, Pennsylvania, and Wisconsin and an equal number from the States of New York and New Jersey.

On the basis of those figures, Mr. President, it is only fair to conclude that if any problem with relation to voting exists in the State of Georgia, the situation is twice as bad in the States of Illinois, Indiana, Missouri, Pennsylvania, and Wisconsin and equally as bad in the States of New York and New Jersey.

In the area of rights other than voting, the Commission reported to me that of the 664 complaints received only 19 came from Georgia. That figure, the agency disclosed, compares with 66 complaints from New York, 45 from California, 32 from Ohio, 25 from Pennsylvania, 24 from Illinois, and 22 from Missouri.

On the basis of those figures, Mr. President, it is only fair to conclude that if any problem with relation to civil rights other than voting exists in the State of Georgia, the situation is more than three times as bad in the State of New York, more than twice as bad in the State of California, more than one-and-a-half times as bad in the State of Ohio, and to lesser degrees worse in the States of Pennsylvania, Illinois, and Missouri.

I ask unanimous consent, Mr. President, to have printed herewith in the RECORD as a portion of my remarks the statistical tables furnished me by the Commission on Civil Rights analyzing the complaints received by the Commission from the time of its establishment through the end of the 1959 fiscal year last June 30.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

| COMMISSION ON CIVIL RIGHTS,<br>Washington, D.C. |     |
|-------------------------------------------------|-----|
| Grand total all complaints received             | 979 |
| 1957-59-----                                    |     |
| Voting-----                                     | 315 |
| Regular-----                                    | 664 |
| Total voting complaints received since          |     |
| Apr. 30, 1959-----                              | 5   |
| Total regular complaints received since         |     |
| Apr. 30, 1959-----                              | 52  |
| Total all complaints received since             |     |
| Apr. 30, 1959-----                              | 57  |
| Grand total voting complaints received          |     |
| 1957-59-----                                    | 315 |
| Sworn affidavits in 13 States-----              | 254 |
| JUNE 30, 1959.                                  |     |



## Voting complaints, by States, June 30, 1959

| State          | Total | Sworn | Unsworn |
|----------------|-------|-------|---------|
| Alabama        | 119   | 104   | 15      |
| Arkansas       | 6     |       | 6       |
| Florida        | 15    | 12    | 3       |
| Georgia        | 1     |       | 1       |
| Illinois       | 2     | 1     | 1       |
| Indiana        | 2     | 1     | 1       |
| Kansas         | 1     |       | 1       |
| Kentucky       | 2     |       | 2       |
| Louisiana      | 95    | 88    | 7       |
| Maryland       | 1     | 1     |         |
| Massachusetts  | 1     |       | 1       |
| Mississippi    | 41    | 40    | 1       |
| Missouri       | 2     | 1     | 1       |
| Nebraska       | 1     |       | 1       |
| New Jersey     | 1     |       | 1       |
| New York       | 1     | 1     |         |
| North Carolina | 3     | 2     | 1       |
| Oklahoma       | 2     | 1     | 1       |
| Pennsylvania   | 2     |       | 2       |
| South Carolina | 3     |       | 3       |
| Tennessee      | 7     | 1     | 6       |
| Texas          | 1     |       | 1       |
| Virginia       | 3     |       | 3       |
| West Virginia  | 1     | 1     |         |
| Wisconsin      | 2     |       | 2       |
| Total          | 315   | 254   | 61      |

COMMISSION ON CIVIL RIGHTS,  
Washington, D.C.

Total complaints, other than voting, by States, June 30, 1959 (not required to be sworn)

|                                     |     |
|-------------------------------------|-----|
| Alaska                              | 1   |
| Alabama                             | 23  |
| Arizona                             | 1   |
| Arkansas                            | 4   |
| California                          | 45  |
| Colorado                            | 3   |
| Connecticut                         | 7   |
| Delaware                            | 3   |
| Florida                             | 28  |
| Georgia                             | 19  |
| Idaho                               | 0   |
| Illinois                            | 24  |
| Indiana                             | 11  |
| Iowa                                | 6   |
| Kansas                              | 4   |
| Kentucky                            | 11  |
| Louisiana                           | 13  |
| Maine                               | 1   |
| Maryland                            | 5   |
| Massachusetts                       | 7   |
| Michigan                            | 16  |
| Minnesota                           | 2   |
| Mississippi                         | 6   |
| Missouri                            | 22  |
| Montana                             | 3   |
| Nebraska                            | 2   |
| Nevada                              | 1   |
| New Hampshire                       | 2   |
| New Jersey                          | 13  |
| New Mexico                          | 2   |
| New York                            | 66  |
| North Carolina                      | 13  |
| North Dakota                        | 0   |
| Ohio                                | 32  |
| Oklahoma                            | 5   |
| Oregon                              | 3   |
| Pennsylvania                        | 25  |
| Rhode Island                        | 1   |
| South Carolina                      | 13  |
| South Dakota                        | 2   |
| Tennessee                           | 16  |
| Texas                               | 24  |
| Utah                                | 2   |
| Vermont                             | 0   |
| Virginia                            | 18  |
| Washington                          | 10  |
| Washington, D.C.                    | 15  |
| West Virginia                       | 4   |
| Wisconsin                           | 8   |
| Wyoming                             | 1   |
| Foreign countries                   | 4   |
| Puerto Rico                         | 3   |
| Subtotal                            | 550 |
| Illegible, anonymous, abusive, etc. | 114 |
| Total                               | 664 |

Mr. TALMADGE. Georgians are proud of the fact that this official record proves that the overwhelming majority of the citizens of our State are satisfied with our present concept of human relations and the manner in which it is being translated into practical benefit for all.

Georgians are proud of the fact that our State, which is pursuing without ostentation, programs of uplift for all our citizens, has been found far less wanting in the provision and protection of real civil rights than many of the States outside the South which make a fetish of promising bigger and better synthetic rights while failing to produce fulfillment of the meaningful ones.

Georgians are proud of the fact that there have been no news stories about rapes, riots, and suicides in our public schools and no lengthy magazine articles about "powder keg" racial tensions in malodorous slum jungles.

In Georgia we do not have any conditions comparable in any respect to those described in an article featured in the August 3, 1959, issue of U.S. News & World Report under the heading: "Is New York Sitting on a Powder Keg?—Racial Unrest Forces Its Way to the Surface."

Mr. President, because the conditions described in this article stand in such sharp contrast to those which prevail in my State of Georgia, I ask unanimous consent that the full text of it be printed herewith in the RECORD as a portion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS NEW YORK SITTING ON A POWDER KEG?—  
RACIAL UNREST FORCES ITS WAY TO THE SURFACE

(Tension is boiling to the surface in New York. Tempers, building up, can lead to real trouble between the races. Negro boycotts have developed. There are clashes between police and demonstrators. Harlem is in an angry mood. A member of the board of editors of U.S. News & World Report, at the scene, brings the explosive situation into focus.)

NEW YORK CITY.—Concern is growing here over a wave of racial unrest that threatens to engulf America's biggest and richest city.

New Yorkers are being warned by Police Commissioner Stephen P. Kennedy that "a race riot could cause more destruction of community relations than an atom bomb."

Harlem, the unofficial "Negro capital of America," is being described by one city official as "in an angry mood." Each night, crowds of Negroes gather on street corners to listen to soapbox orators who preach black supremacy and the downfall of the white man.

These and similar developments are coming into focus as a result of a single incident that took place on the sultry afternoon of July 13.

That trouble developed when two white policemen arrested a Puerto Rican woman accused of creating disorder in a Harlem restaurant. While she was being taken to the police station, the police car crashed into a safety island.

Within a matter of minutes, a crowd of angry Negroes, estimated at more than 200, gathered menacingly around the police. In the ensuing melee, the two policemen were hit by a bullet accidentally fired from one of their own revolvers.

In the hours that followed, 88 additional policemen were sent to Harlem, and police were reinforced in other Negro areas of the city.

## A NEGRO OUTBREAK?

This incident, however, is only one of many in recent weeks in what New York's leading Negro newspaper hails as the outbreak of the "revolt of the Negro"—a revolt that some say will far surpass in scope and tension the bus strike of 1956 in Montgomery, Ala.

Here are some of the events taking place: Ralph J. Bunche, a prominent Negro diplomat and educator, recently inquired about a membership for his son in the West Side Tennis Club, at Forest Hills, site of the U.S. championships and Davis Cup matches. Mr. Bunche stated that he was informed by the club's president, Wilfred Burglund, that Negroes and Jews were not admitted to membership.

In the wake of strong criticism from city officials and newspapers, Mr. Burglund resigned his post. The club has explained that its membership rolls are open to members of racial and religious minorities.

In Harlem, 40 tenement dwellers are staging a "rent strike" against white landlords who, they say, have refused to make sanitary repairs to rat-infested buildings.

Negroes are boycotting white-owned liquor stores in Harlem which refuse to buy wholesale supplies from Negro salesmen. Under pressure of Negro picketing, seven store owners have signed agreements stating: "I will refuse to continue doing business with any wholesaler who will not send as a representative a Negro salesman."

Thirteen other liquor stores have capitulated without waiting for pickets to show up. Now the New York chapter of the National Association for the Advancement of Colored People is promising to extend this drive to liquor stores in Negro areas across the city—and, eventually, to retail stores of every type that are located in Negro areas.

## BOYCOTT OF BUSES

Another boycott is being threatened against the Fifth Avenue bus line after complaints from Negro passengers that they were getting discourteous and discriminatory treatment from white busdrivers.

The Negro revolt also is moving into New York City's public schools.

Last year, nine Negro parents refused to send their children to predominantly Negro schools on the ground that such schools were inferior in quality of teaching and curriculum. A court ruling last December upheld the parents' contentions that the schools were inferior and that the parents were within their legal rights in keeping their children out.

Now a drive is underway in Harlem to stage a mass sitdown of Negro parents next September unless Negro youngsters are permitted to enroll in predominantly white elementary and junior high schools of their choice. As a result, New York City is facing the possibility that some Negro children will be sitting out next year's school term.

Politically, a campaign is underway, led by Representative ADAM CLAYTON POWELL, Democrat, of New York, to force the Democratic machine—Tammany Hall—to give one in every three patronage jobs in New York City to a Negro or Puerto Rican.

## NEGRO POWER GROWING

These separate developments, Negro leaders say, are not part of an organized push. But they are seen as proof of a growing population and of growing power of Negroes in this city.

An unofficial census in 1957 showed that 948,000 Negroes were living within the city. Today, their number is estimated at more than 1 million—more than in any other city



in the world. Negroes now account for about 15 percent of the city's population, as against only 5 percent in 1940.

A Negro, Hulan E. Jack, is president of the Borough of Manhattan. This job is generally rated second in importance only to that of mayor of New York City. Top-ranking jobs in many city departments are held by Negroes. There are a dozen or so Negro judges in city and State courts here. Altogether, Negroes hold an estimated one-third of the jobs in public transit and about 20 percent of the jobs in the city welfare department.

#### TROUBLES OF AN OPEN CITY

Until recently, this growth in power went relatively unnoticed in a city that takes pride in its reputation for racial tolerance.

New York City's officials openly promote the concept of an open city—a place where opportunity is provided equally for all races. Integration is the official policy, backed by a dozen State and city laws that forbid racial discrimination in jobs, public facilities, and housing. These laws are sternly enforced.

Last year, the city put into effect a revolutionary law—one that prohibits discrimination again apartment and homeseekers on grounds of race or religion. In the first 14 months of operation, 325 complaints of violation of this law have been made, and the claim is made that the law is helping many Negroes find apartments and homes once barred to them.

Yet many Negro leaders are saying now that these steps are only the beginning of measures to bring full equality to Negroes, and some say that New York City is entering on a phase of racial tension that is the most difficult yet encountered in this city.

#### EAST SIDE, WEST SIDE

Negroes are flowing out into every borough of the city—east side, west side, all around the town. More than 300,000 live in Brooklyn, about 125,000 live in Queens, and almost as many in the Bronx.

It is in Manhattan, however, and especially in Harlem, that most of the Negroes are to be found and that most of the trouble is developing. One reason for this, according to city officials, is that middle and upper-income Negroes more and more are moving out of Harlem tenements into better part of the city. What they have left behind is an exceptionally high proportion of low-income Negroes—many of them chronic troublemakers and criminals.

Along with that, Harlem tenements are described as among the worst in the city. Wide publicity is given day by day to the overcrowding of 122,000 people within an area only two-thirds of a square mile—an area where people often live 8 and 10 to a room and where police get daily reports of children bitten, sometimes seriously, by rats.

It is against this background that trouble is developing between Negroes and the police force in Harlem.

#### CHARGES, COUNTERCHARGES

Charges are heard that Negroes taken into custody are beaten up at police stations, that Negro women are slapped and kicked, that white policemen break into the homes of law-abiding Negroes without search warrants.

Officials at police headquarters acknowledge that some such instances have taken place and do take place. They also say that offending policemen are punished by demotion, fines, or both, upon proof of such offenses. But most such charges, they say, show up as groundless upon investigation.

Last year, 126 complaints of police brutality were filed in New York City—by whites as well as Negroes. A special hearing panel in the police department, after hearing these complaints, preferred charges against the policemen involved in nine cases. Seven of the nine were found guilty of brutality.

The July 13 outbreak of trouble between Harlem Negroes and police was not the first of this kind—nor, informed Negro leaders say, is it likely to be the last. One Negro says: "There is no doubt about it. People here don't like the police, they are suspicious of the police."

On at least two other occasions in the last 4 years threatening crowds of Negroes have gathered to protest police brutality. On a smaller scale, policemen who arrest a drunk or disorderly person in Harlem often find themselves the target of jeers from gatherings of anywhere from a handful to several dozen bystanders.

#### SEEKING COOPERATION

Police officials at this time are engaged in an intensive community relations campaign in Harlem. Efforts are being made to secure the support of law-abiding Negroes in reducing Harlem's crime rate. Meetings are held periodically with Harlem leaders. Recently Police Commissioner Kennedy warned:

"It (Harlem) is an extremely difficult area to police and the policemen themselves must have the support of the community. If they have to work in a community that is non-cooperative, where prisoners are taken from them, it makes the policing problem that much more difficult."

Individual policemen are discouraged from making any comments that might stir up racial controversy. Privately, however, many of them express bitterness at what they describe as a lack of cooperation by Negroes, often in situations where their own lives are in jeopardy.

#### NEGRO "MUSLIMS"

What adds to this difficulty is a growth of a black nationalist movement that stirs up hatred of the white man.

This movement is spearheaded by a so-called Muslim sect, which claims a quarter of a million members among U.S. Negroes. Its leader calls himself Elijah Muhammad. He maintains headquarters in Chicago, but here in Harlem his chief lieutenant is a Negro who is known as Malcom Little but who also calls himself Malcom X.

On his periodic visits to Harlem, Muhammad draws crowds of 2,000 to 3,000 Negroes eager to hear the message of the spiritual leader of America's Muslims.

These listeners are being told that the white man is the greatest drunkard, greatest seducer, greatest murderer, greatest adulterer, greatest deceiver on earth. Negroes are promised that they will soon gain control of New York City—and that white rule in the United States will be overthrown by 1970. The sect's official magazine is headlined, "The Earth Belongs to the Black Nation—the First and the Last."

Nobody knows just how many New York Negroes belong to this sect. Conservative estimates run to somewhere between 7,000 and 10,000. The Muslims maintain a restaurant, along with a temple, where every person entering is searched.

Beyond these numbers, however, tens of thousands of Negroes are getting the racist message of Muhammad. Each night, crowds of Negroes gather at street corners in Harlem to listen to zealous young Muslims preaching from soap boxes. During the incident of July 13, one such orator picked up his box and, along with several dozen of his listeners moved down the street to incite further Negroes who were demonstrating against the two white policemen.

#### DANGEROUS FOR WHITES

Officially, this sect claims to deplore violence. But one Negro newsman reports that whites found on the outskirts of such gatherings are told by Negroes to move along if you don't want trouble—you're in our territory now. This newsman reports that, at such times, it is very definitely dangerous for whites to be in the area.

Many responsible Negroes in Harlem and other parts of New York City discount the influence of this sect, which, they say, enlists support mainly from unimportant Negroes here. But Negro newspapers give prominent coverage to the statements of "Muslim" leaders, and many leading Negro business and professional men are known to make substantial contributions to the sect.

What many fear is developing out of the revolt of the Negro here is growing tension between the races on both sides of the racial fence, white as well as black.

The move to hasten integration of New York City's schools by transporting elementary and junior high school students from Negro neighborhoods into less crowded schools in predominantly white neighborhoods is meeting opposition from white parents.

#### DON'T TREAD ON US

A few weeks ago, a group of white mothers from the Glendale section of Queens marched around City Hall carrying placards protesting the plan to transport about 1,000 children, most of them Negro or Puerto Rican, from overcrowded schools in Brooklyn to schools in Glendale.

Among the signs the white mothers carried was this: "Don't tread on us."

At the same time, in the same vicinity, Negro mothers also were picketing city hall with signs such as this one: "This is New York City—not Little Rock."

White homeowners and apartment dwellers in many parts of the city are moving out as Negroes spread out from Harlem. In Queens, one estimate is that it takes about 3 years for a neighborhood to change from white to black after the first Negro moves in.

In residential areas, New Yorkers are becoming more aware of their race problem than ever before. A white householder in Queens says:

"We're beginning to feel a coldness between the races. The other day, a Negro told me that his white neighbor doesn't talk to him now. My wife and I, in the past, have had Negroes to dinner in our home—and we still do. But now we look around to see if the neighbors notice it."

#### DIFFICULT SCHOOLS?

Top-rated teachers are bitterly protesting proposals that school officials assign them, regardless of their desires, to teaching posts at difficult schools which are composed mainly of Negro and Puerto Rican children. At present, such posts are filled on a voluntary basis, and many teachers have said they will seek employment elsewhere rather than be assigned to such schools.

Also stirring resentment among whites is the dispersal of Negroes across the city by means of public housing.

It is now the official policy of the city to discourage location of any public-housing projects in areas occupied mainly by Negroes and Puerto Ricans. Such projects, it is felt, will only build up ghettos, since 40 percent of all public housing for low-income families is occupied by Negroes and another 15 percent by Puerto Ricans.

As a result, about three-fourths of these families in public housing now live in racially integrated projects in predominantly white neighborhoods.

In such projects, white tenants and nearby residents are complaining of a rise in crime, juvenile delinquency, and dilapidation. White families are tending to move out of integrated projects. A Brooklyn project that was equally divided between whites and other groups only a few years ago, now is two-thirds Negro.

#### COST OF CRIME

New Yorkers are becoming aroused by the mounting costs of crime and welfare that have come to the city with the growth of this Negro population.

Unofficial estimates are that Negroes, with about 15 percent of the city's population, ac-



count for a third of its serious crimes. Many of these crimes are committed far beyond the borders of Harlem and other Negro areas. In some categories, such as rape and narcotics violations, the percentage of Negroes involved is believed to be considerably higher than for other offenses.

Negroes, together with Puerto Ricans, are estimated to account for about half of the city's welfare costs—and for a far bigger percentage of the aid to dependent children.

The answer of Negroes, and many white officials in this city, is that these problems can be solved only by providing Negroes and Puerto Ricans with better housing, better schools, and more job opportunities.

Negroes now are embarked on a revolt to gain those objectives. The result at this time is to bring New York City's racial troubles into the foreground, and fears are being expressed that these troubles are going to mount in the months ahead.

Mr. TALMADGE. I hope for the illumination of the Senate and the Nation, Mr. President, that the two eloquent and distinguished Senators from New York [Mr. JAVITS and Mr. KEATING]—both of whom are advocates of legislation to put the citizens of my State of Georgia in jail without jury trials merely for trying to shield white and colored citizens alike from conditions and situations such as prevail in New York—will address themselves to this subject and tell us just how such conditions and situations serve to advance the civil rights of the constituents they represent.

Mr. President, I believe it would be a fair and accurate summation of the attitude of the vast majority of Georgians to state that they feel it is an unconscionable act of hypocrisy for representatives of States and metropolitan areas which are unable to cope with their own worsening problems of human relations to attempt to force their discredited concepts of sociology upon other States and areas where those problems are virtually nonexistent and people of all races live together in harmony and mutual respect.

In that regard, I think all of us in this Senate could be best guided by the words of the Son of God when He said:

Judge not, that ye be not judged.

For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again.

And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

Or how wilt thou say to thy brother, Let me pull out the mote out of thine eye; and, behold, a beam is in thine own eye?

Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye (Matthew 1: 1-5).

Mr. President, it is incomprehensible to the people of Georgia why the Congress of the United States must waste its time and the money of the American taxpayers seeking to enact contrived and unworkable solutions to problems which are not significant factors in our State when our country is confronted with so many real and pressing problems which demand thoughtful and effective solutions from Congress.

Georgians feel that Congress could do far more to justify its existence and to earn the confidence and respect of the Nation by doing something concrete to

eliminate, or at least contain, the threat to present and future generations posed by the presence of increasing quantities of strontium 90 in the atmosphere and food supplies of the country; provide a realistic and meaningful national farm program which will guarantee the farmers of America their proportionate share of the national income; protect the jobs of American industrial workers from destruction as the result of indiscriminate imports of foreign-made goods manufactured at slave-wage levels; curb ever-increasing inflation, reverse the ever-mounting cost of living and restore the value and purchasing power of the American dollar; balance the Federal budget, hold Federal spending within the bounds of Federal income and begin a systematic program of reduction of the national debt; stimulate scientific and medical research to find and perfect as soon as humanly possible cures for and preventives of the dread killers and cripples of mankind like cancer and heart disease; put an end to Government programs and policies which attempt to do for people in other countries what the United States either is unable or unwilling to do for our own citizens here at home; confine the Federal Government to programs and activities in those areas delegated to it by the Constitution and leave the management of all other affairs to local people on the local level; make the United States so secure militarily and economically that any nation daring to attack us invites not retaliation but annihilation; prevent any further encroachment upon the inalienable right of each citizen to be left alone to run his own affairs and to enjoy the fruits of his own labor.

Mr. President, in so acting, Congress could do more to promote the real civil rights of the American people than it ever could hope to achieve by passing a million force bills.

Mr. President, the American people have a right to ask of this Congress why it is concerning itself with legislation of the nature of the pending measure when so much of legitimate concern to all citizens has been left undone.

There is no more convincing argument against extending the life of the Commission on Civil Rights than the experience of the Commission itself.

Since its inception the Commission has been hard pressed to find enough evidence of deprivation of anyone's civil rights anywhere to keep its 69 full-time employees, 7 consultants, and 6 Commissioners busy. As noted in the tables which I have had inserted in the RECORD, despite all the publicity attendant to its establishment and authorized function, the Commission had received as of the end of the 1959 fiscal year only 979 complaints from throughout the Nation and its territories.

This fact prompted close questioning on the part of Congressman JOHN J. ROONEY, of New York, chairman of the House Appropriations Subcommittee, to which I have previously referred, at the hearing held by his subcommittee last April 30 on the Commission's requested appropriation for the current fiscal year.

The transcript of Representative ROONEY's questions and the replies by Commission Chairman Hannah and Commission Staff Director Gordon Tiffany is most illuminating. I read as follows from page 1196 of the printed record of the subcommittee's hearings for this year:

Mr. ROONEY. On the face of it, it does not look as though the Commission has had very much to do; is that a fair statement?

Mr. TIFFANY. When you consider that all these complaints call for field research in most instances and we have men out checking—

Mr. ROONEY. I am not talking about what you do when you get complaints. I am talking about the number you have received.

Mr. TIFFANY. I can only say that the mail file system calls for the numbering of each piece of mail that comes in. My best recollection is that in a recent week that number has been over 9,000.

Mr. HANNAH. I should point out, Mr. Chairman, the Commission has other responsibilities than to answer complaints.

Mr. ROONEY. We understand that, Doctor. I think you mentioned four responsibilities a while ago, did you?

Mr. HANNAH. Yes, sir.

Mr. ROONEY. I cannot help but be impressed by the small number of complaints that you have here. If my impression is wrong, I wish you would dispel it.

Mr. TIFFANY. We attach great significance, Mr. Chairman, to the denial of the right to vote in any single instance. We believe the numbers are shocking and that is all that I can say.

It is further most interesting to note, Mr. President, on page 1191 of the same hearings the statement by Chairman Hannah that "the work of the Commission is centered around its report which will be given to the Congress on or before September 9, 1959."

Thus, Mr. President, it is obvious that the Commission report which we of this 86th Congress have received embracing recommendations affecting the lives, liberty, and property of 177 million Americans is based solely upon, first, what Mr. Tiffany believes; and, second, a mere 979 complaints—of which at least 114 admittedly are the work of cranks and motivated busybodies and only 254 were made in the form of sworn affidavits.

Mr. ERVIN. Mr. President, will the Senator yield for a short question?

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. The Senator has mentioned statements which were made by officials of the Civil Rights Commission when they applied to the House committee for an appropriation for the Commission. I should like to ask the Senator whether the testimony then presented by the officials of the Civil Rights Commission showed these things: First, that they had a staff at that time of 75 employees, who were receiving an average annual salary of between \$7,000 and \$7,500; and that the Commission was receiving verified voting rights complaints at the rate of one-half complaint per month for each of those employees.

Mr. TALMADGE. The Senator is approximately correct. I recall that there 69 employees with the Commission at



the present time. I thank the Senator for his contribution.

Mr. President, it is inconceivable that this Congress and the responsible men and women who comprise it will rely on so flimsy and contrived an excuse to enact legislation which would strike at the vitals of American liberty under the guise of protecting American citizens from bogeymen conjured up in the imaginations of appointed bureaucrats.

Why, Mr. President, I receive more mail in 2 months than the Commission on Civil Rights has received in 2 years, and I would point out to this Senate in all modesty that with the help of a staff only one-seventh the size of that of the Commission I am able, with very few exceptions, to reply to each letter I receive on the same day I receive it.

Therefore, Mr. President, I submit to the Senate that the only course of action indicated by the experience of the Commission on Civil Rights is to permit it to die the natural death contemplated for it by the law creating it. It has proved itself to be surplus property unneeded by either the Federal Government or the American people.

The cost of this Commission to the American taxpayers, as of June 30, was \$977,000, which, according to the Library of Congress, included a transfer of \$200,000 from the President's emergency fund in fiscal 1958, a fiscal 1959 appropriation of \$750,000, and a supplemental appropriation of \$27,000.

A little simple arithmetic shows this amounts to a cost of \$997.96 for each complaint which the Commission has received and, I believe, even the most partisan observer will have to admit in honesty that that is a pretty steep price tag for investigating any complaint of any nature. I am sure that any of our law enforcement agencies would be overjoyed to receive an appropriation of one-tenth of that amount for each case they are called upon to investigate and process.

And, as if that were not enough, Mr. President, this Congress already has appropriated another \$288,000 to carry the Commission through its November 8, 1959, expiration date and it is now proposed that Congress, in voting to extend its life, also approve an additional appropriation of \$500,000 for the remainder of the 1960 fiscal year.

To those in the Senate who are interested in economy in Government, I would suggest that here is an excellent place to start practicing what is being preached.

Fortunately for the Nation the Commission to date has been composed of honorable and sincere men and I shudder to think of the witch hunts to which the American people could have been subjected during the past 2 years had such not been the case.

And I also shudder to think what likely will happen should the life of the Commission be extended and the at least four members of it who have stated that they plan to resign in such an eventuality are replaced by a second string of motivated zealots.

The fact that at least four of the present honorable members of the Com-

mission do plan to quit can be construed as nothing less than their repudiation of the sham which the Commission is and of their desire to cease lending it the respectability of their names and prestige.

More eloquent than the report which Mr. Tiffany wrote for the Commission is the statement of Dr. Hannah, as reported in the Washington Star of March 16, 1959, that he is going to quit because he has found—and I quote him—"there is no right answer to all sides."

The article in the Star, published under the heading "Four on Rights Board To Quit After November," and written by Star staff writer, Howard L. Dutkin, gives a significant insight into the thinking of a majority of the members of the Commission in this regard.

I ask unanimous consent, Mr. President, to have the article printed in the RECORD at this juncture in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### FOUR ON RIGHTS BOARD TO QUIT AFTER NOVEMBER

(By Howard L. Dutkin)

At least four out of five members of the Civil Rights Commission as originally appointed plan to quit their posts as soon as possible after the life of the Commission expires in November, even though Congress may extend it another 2 years.

Chairman John A. Hannah said, "There is no question we would like to be freed of our responsibility if Congress extends the Commission."

The members recognized when they accepted the Presidential appointments in 1957 that "it was a tough assignment and that chances were pretty good for a lambasting from both sides," Dr. Hannah said.

However, he said, he decided to "try it for 2 years." In that time, he said, he has found "there is no right answer to all sides."

Dr. Hannah is president of Michigan State University. He was interviewed by telephone from his office in East Lansing.

#### SOME MIGHT STAY BRIEFLY

While stating that "my guess is that the Commissioners won't be around" after next November, Dr. Hannah indicated some of them might help out for a while longer if a brandnew Commission "finds the going tough."

Commissioner Robert G. Storey also said he would not wish to continue with the Commission after November. He said he accepted the post with the understanding that it would be a 2-year job. He said his other responsibilities preclude his staying longer. Commissioner Storey is dean of the Southern Methodist University Law School, Dallas.

Another Commission member, the Reverend Theodore M. Hesburgh, definitely said he would not continue to serve even though the Commission is extended and the President asks him to. Father Hesburgh is president of Notre Dame University.

#### "TIME CONSUMING"

"We are all extremely busy men with commitments apart from Commission work," Father Hesburgh said.

The work of the Commission, he said, is "time consuming" and an added "pack on our backs." He said the Commissioners all have been "working like mad" to finish the report on the civil rights picture involving racial discrimination in several fields, including education, voting, and housing.

Doyle E. Carlton, a former Governor of Florida and a member of the Commission, said he feels as the others do about desir-

ing to wind up the task and devote themselves to other affairs this fall.

Senate delay in confirming the Commissioners and Staff Director Gordon E. Tiffany hampered the group's activities at the outset.

The Commissioners were sworn in by the President in January 1958. Two months elapsed before confirmation. Mr. Tiffany was nominated for the post in February 1958, but was not confirmed until May.

The other original member, former Gov. John S. Battle of Virginia, was not available for comment. It was reported, however, that he also would not serve longer than the original term.

It was understood that Dr. George M. Johnson, former dean of Howard University, appointed to the Commission last week will continue to serve if he is confirmed by the Senate and the life of the Commission is extended 2 years as requested by the administration.

Dr. Johnson succeeded J. Ernest Wilkins, who died several months ago.

Mr. TALMADGE. It is ironic to note, Mr. President, that the Commission on Civil Rights—even though composed of honorable and respected men—has found it necessary to spend more time attempting to justify its own right to exist than in investigating complaints of denial of the civil rights of individual citizens.

It is most interesting, Mr. President, to compare the warnings uttered on this floor about the dangers inherent in the creation of such a Commission and the actual results of the Commission's activities since its creation in the face of those warnings.

That the fears which were expressed in 1957 were not without foundation have been given official judicial recognition in the order issued exactly 2 years to the day later—on July 12, 1959—by U.S. District Judge Ben C. Dawkins, Jr., in the U.S. District Court for the Western District of Louisiana enjoining the Commission on Civil Rights from holding contemplated hearings in that State.

In order that a comparison might be made between what was predicted and what has happened, I ask unanimous consent, Mr. President, that the conclusions of Judge Dawkins' order be printed at this point in the RECORD as a portion of my remarks.

There being no objection, the conclusions were ordered to be printed in the RECORD, as follows:

CONCLUSIONS OF U.S. DISTRICT JUDGE BEN C. DAWKINS, JR., OF U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUISIANA, IN RULING ON APPLICATIONS FOR TEMPORARY RESTRAINING ORDERS JULY 12, 1959, IN CASE OF MRS. MARGARET M. LARCHE ET AL. V. JOHN A. HANNAH ET AL.

We are strongly of the opinion, however, that plaintiffs' remaining grounds for immediate relief are well taken:

First, it appears rather clear, at this juncture, that the Civil Rights Commission is an "agency" of the Executive branch of the United States, within the meaning of that term as defined at 5 U.S.C.A. section 1001(a). See also 42 U.S.C.A. section 1975(a). It performs quasi-judicial functions in its hearings, its fact findings, its studies of "legal developments constituting a denial of equal protection of the laws under the Constitution," and its appraisal of "the laws and policies of the Federal Government" in the same respect. It "adjudicates" by its rulings upon the admissibility of evidence at



its hearings and by its determinations of what is or is not the truth in matters before it. Thus we think that the Commission is subject to the provisions of section 4 of the Administrative Procedure Act, which requires, among other things that persons affected by agency action "shall be timely informed of the matters of fact and law asserted." Here that would encompass the nature of the charges filed against plaintiffs, as well as the matters of fact and law wherein the complaints' voting rights allegedly have been violated. The Commission also is subject to section 6 which would require it to grant plaintiffs the right "to conduct such cross-examination as may be required for a full and true disclosure of the facts." This, by its rules, the Commission refuses to do, and in so doing, regardless of its well intentioned motives, it violates the terms of that act. Plaintiffs are entitled, therefore, to protection against these rules, which would deprive them of their plain rights under the act.

Second, while the statute creating the Commission inferentially permits it to adopt reasonable rules, 42 U.S.C.A. section 1975(b), there is no provision whatsoever in the law to the effect that such rules may include those here complained of, which plainly violate plaintiffs' basic rights to know in advance with what they are charged, to be confronted by the witnesses against them, and to cross-examine their accusers. We cannot believe that Congress intended to deny these fundamental rights to anyone, and because of such belief it is our opinion that these rules of the Commission are ultra vires and unenforceable. Therefore, plaintiffs are entitled to immediate relief against them.

Third, entirely aside from the statutory questions just discussed, the courts of the United States, and their Anglo-Saxon predecessors, always have seen to it that, in hearings or trials of all kinds, persons accused of violating laws must be adequately advised of the charges against them, confronted by their accusers, and permitted to search for the truth through thorough cross-examination. In *Jones v. Securities Commission*, 298 U.S. 1, 27, 57 S. Ct. 654, 80 L. Ed. 1015, the Supreme Court said:

"A general, roving, offensive, inquisitorial, compulsory investigation, conducted by a commission without any allegations, upon no fixed principles, and governed by no rules of law, or of evidence, and no restrictions except its own will, or caprice, is unknown to our Constitution and laws; and such an inquisition would be destructive of the rights of the citizen, and an intolerable tyranny. Let the power once be established, and there is no knowing where the practice under it would end.

"The fear that some malefactor may be so unwhipped of justice weighs as nothing against this just and strong condemnation of a practice so odious \* \* \*

"The philosophy that constitutional limitations and legal restraints upon official action may be brushed aside upon the plea that good, perchance, may follow, finds no countenance in the American system of government. An investigation not based upon specified grounds is quite as objectionable as a search warrant not based upon specific statements of fact. Such an investigation, or such a search, is unlawful in its inception and cannot be made lawful by what it may bring, or by what it actually succeeds in bringing to light."

In *Morgan et al. v. United States, et al.* 304 U.S. 1, 14, 20, 25, 58 S. Ct. 773, 82 L. Ed. 1129, involving an administrative hearing, the Court said:

"The first question goes to the very foundation of the action of administrative agencies entrusted by the Congress with broad control over activities which in their detail cannot be dealt with directly by the legislature. The vast expansion of this field of ad-

ministrative regulation in response to the pressure of social needs is made possible under our system by adherence to the basic principles that the legislature shall appropriately determine the standards of administrative action and that in administrative proceedings of a quasi-judicial character the liberty and property of the citizen shall be protected by the rudimentary requirements of fair play. These demand 'a fair and open hearing'—essential alike to the legal validity of the administrative regulation and to the maintenance of public confidence in the value and soundness of this important governmental process. Such a hearing has been described as an 'inexorable safeguard.' \* \* \*

"The answer that the proceeding before the Secretary was not of an adversary character, as it was not upon complaint but was initiated as a general inquiry, is futile. It has regard to the mere form of the proceeding and ignores realities.

"Those who are brought into contest with the Government in a quasi-judicial proceeding aimed at the control of their activities are entitled to be fairly advised of what the Government proposes and to be heard upon its proposals before it issues its final command."

In the most recent decision on this subject, handed down by the Supreme Court on June 29, 1959, *Greene v. McElroy* (No. 180, October Term — U.S. —, — S. Ct. —, — L. Ed. —, 29 L. W. 4528, 4534, 4538), and speaking through Chief Justice Warren, the following language is found:

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact-finders, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right 'to be confronted with the witnesses against him.' This court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattoz v. United States*, (156 U.S. 237, 242-244); *Kirby v. United States* (174 U.S. 47); *Motes v. United States* (178 U.S. 458, 474); *In re Oliver* (333 U.S. 257, 273), but also in all types of cases where administrative and regulatory action were under scrutiny, e.g., *Southern R. Co., v. Virginia* (290 U.S. 190); *Ohio Bell Telephone Co. v. Commission* (301 U.S. 292); *Morgan v. United States* (304 U.S. 1, 19); *Carter v. Kubler* (320 U.S. 243); *Reilly v. Pinkus* (338 U.S. 269). Nor, as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation. *Joint Anti-fascists Committee v. McGrath* (341 U.S. 168-169) (concurring opinion).

"Professor Wigmore, commenting on the importance of cross-examination, states in his treatise, 5 Wigmore on Evidence (3d Ed. 1940) section 1367:

"For two centuries past, the policy of the Anglo-American system of evidence has been to regard the necessity of testing by cross-examination as a vital feature of the law. The belief that no safeguard for testing the value of human statements is comparable to that furnished by cross-examination, and the conviction that no statement (unless by special exception) should be used as testi-

mony until it has been probed and sublimated by that test, has found increasing strength in lengthening experience.

"Where administrative action has raised serious constitutional problems, the Court has assumed that Congress or the President intended to afford those affected by the action the traditional safeguards of due process. See, e.g., *The Japanese Immigrant case*, 189 U.S. 86, 101; *Dismuke v. United U.S.* 283, 299-300; *American Power Co. v. Securities and Exchange Comm'n*, 329 U.S. 90, 107-108; *Hannegan v. Esquire*, 327 U.S. 146, 156; *Wong Yang Sung v. McGrath*, 339 U.S. 33, 49. Cf. *Anniston Mfg. Co. v. Davis*, 301 U.S. 337; *United States v. Rumely*, 345 U.S. 41. These cases reflect the Court's concern that traditional forms of fair procedure not be restricted by implication and without the most explicit action by the Nation's lawmakers, even in areas where it is possible that the Constitution presents no inhibition."

These authorities, therefore, clearly establish additional reasons why plaintiffs should be granted immediate relief.

Fourth, there is every reason to believe, considering that the Commission has announced its receipt of complaints from some 67 persons, that those persons will testify that plaintiffs have violated either the State or Federal laws, or both. Plaintiffs thus will be condemned out of the mouths of these witnesses, and plaintiffs' testimony alone, without having the rights to cross-examine and thereby to test the truth of such assertions, may not be adequate to meet or overcome the charges, thus permitting plaintiffs to be stigmatized and held up, before the eyes of the Nation to opprobrium and scorn. Moreover, not knowing in advance the exact nature of the charges to be made against them, some of the plaintiffs, whose official domiciles are at varying distances up to 250 miles from Shreveport, may not be able physically to obtain the presence of witnesses of their own, who might negative or disprove the claims of the complaining witnesses, especially since the Commission has announced that its hearings will last only 1 day.

These are further solid reasons, showing possible or probable irreparable injury to plaintiffs, which justify their being granted immediate relief.

Fifth, and finally, plaintiffs raise very serious questions regarding the validity—the constitutionality—of the very act which created the Commission. We do not intimate here any opinion as to the constitutionality of the statute, for that is a matter to be decided by the three-judge court to be convened by the chief judge of this circuit. However, the seriousness of the attack must be noted in considering whether a temporary restraining order should be issued, to stay the effectiveness of the statute until its validity vel non can be determined by the three-judge court after hearing on plaintiffs' application for an interlocutory injunction. See *Ohio Oil Co. v. Conway*, 279 U.S. 813, 49 S. Ct. 256, 73 L. Ed. 972 where the Supreme Court stated, in a per curiam opinion.

"The application for an interlocutory injunction was submitted on ex parte affidavits which are harmonious in some particulars and contradictory in other. The affidavits, especially those for the defendant, are open to the criticism that on some points mere conclusions are given instead of primary facts. But enough appears to make it plain that there is a real dispute over material questions of fact which cannot be satisfactorily resolved upon the present affidavits and yet must be resolved before the constitutional validity of the amendatory statute can be determined.

"Where the questions presented by an application for an interlocutory injunction are grave, and the injury to the moving party will be certain and irreparable if the appli-



cation be denied and the final decree be in his favor, while if the injunction be granted the injury to opposing party, even if the final decree be in his favor, will be inconsiderable, or may be adequately indemnified by a bond, the injunction usually will be granted. *Love v. Atchison, Topeka & Santa Fe R. Co.*, 185 Fed. 321, 331-332."

In *Crockett v. Horton*, 101 F. Supp. 111, 115, at page 115, Judge Wright, of the eastern district of Louisiana, dealing with the constitutionality of a State statute, said:

"Where as here the questions presented by an application for a temporary injunction are grave, and the injury to the moving parties will be certain and irreparable of the application be denied and the final decree be in their favor, while if the injunction be granted the injury to opposing parties, even if the final decree be in their favor, will be inconsiderable, the injunction should be granted. *Ohio Oil Co. v. Conway*, 279 U.S. 813, 49 S. Ct. 256, 73 L. Ed. 972.

"The determination of the grave constitutional issues presented in this case should not be decided without a trial on the merits, *Polk Co. v. Glover*, 305 U.S. 5, 59 S. Ct. 15, 83 L. Ed. 6, and a temporary injunction should be issued in order that the status quo may be preserved until that time."

To the same effect, see also *Burton et al v. Patanuska Valley Lines, Inc.*, 244 F. 2d 647.

This, then, is another ground upon which plaintiffs are entitled to the immediate relief they seek.

For these reasons, the applications for temporary restraining orders will be granted.

Thus done and signed, in chambers, at Shreveport, La., on this the 12th day of July 1959.

Mr. TALMADGE. Mr. President, the order of Judge Dawkins, portions of which I have inserted in the RECORD, should leave no doubt but that there exist substantial constitutional questions not only as to the procedures followed by the Commission on Civil Rights but also as to its very existence.

It is obvious, therefore, that even should the life of the Commission be extended by this 1st session of the 86th Congress, the major portion of its efforts for the next year or more will of necessity have to be directed toward defending both its rules and its existence before Federal courts of both original and appellate jurisdiction. Consequently, it goes without saying that any useful purpose which the Commission might by any stretch of the imagination have served has been hopelessly impaired by the legal attacks being made upon it.

Mr. President, it would be an affront to the American taxpayers to extend the life of this Commission when it has been shown conclusively by its own experience that its existence is not justified by the small number of actual cases of deprivation of civil rights in any section of our country and when substantial legal and constitutional questions regarding the validity of its existence are being pressed in the Federal courts.

An even more compelling reason for allowing this Commission to expire as scheduled is the arrogant and cynical bid for power over the lives and liberties of all Americans which its staff has written into the Commission's report.

That report is confirmation of the worst fears of those of us who opposed the creation of the Commission 2 years ago.

The effect of carrying out its proposals would be to perpetuate that

agency as an unconstitutional instrument of meddling and intimidation from which no facet of the lives, fortunes and sacred honor of the American people would be immune.

The variance between the drastic tenor of the report and the soft words of the public utterances of the Commission members prior to its issuance affords no conclusion but that the report is not the work of the Commissioners but rather of a radical Commission staff—a staff headed by a man about whom I expressed grave misgivings when confirmation of his nomination was before this Senate on May 14, 1958.

I stated at that time that "if the nominee for Commission staff director is any indication of what is to come then we had best prepare for the worst."

I declared on that occasion:

The position of staff director is a crucial one, and how its duties are carried out will determine whether the Commission becomes an instrument of tyranny and oppression or whether it is conducted as its more thoughtful adherents desire it to be.

It is a fundamental truth that the shape and direction of part-time commissions are often determined in large part by their full-time staff personnel, who prepare the agendas, establish the procedures, ask the questions, and ultimately prepare the reports which, generally, are accepted by the change of only a word or two or the striking or addition of a few sentences or words.

I would point out to this Senate, Mr. President, that the eventuality of which I warned more than a year ago has now come to pass.

How else can one reconcile the conciliatory words of Chairman Hannah before the Commission report was released with the arrogant and radical recommendations for force legislation, executive dictatorship and unlimited Commission power set forth in the Commission report?

I submit to you, Mr. President, that the names signed to the Commission report may be Hannah, Hesburgh, Johnson, Storey, Carlton and Battle, but the work is that of Gordon MacLean Tiffany—a man who, when hearings were being held on his nomination, stated he felt it is proper for the Federal Government to send armed troops into a sovereign State to force a new social order on its people.

What is it that Mr. Tiffany now wants to do?

He wants to turn the Commission on Civil Rights into a national board of election registrars which could move into any State or political subdivision, register whomever it might please and force State and local officials to permit those persons to cast ballots regardless of whether they could meet the qualifications set forth by State law—qualifications which, incidentally, clearly are adopted by the Federal Government by the language of paragraph 1, section 2, article 1 of the Constitution of the United States.

He wants to turn the Commission on Civil Rights into a national school board which could go into any area and attempt to force classroom integration, regardless of whether the races in that area wanted to be integrated or whether

the Federal courts had acted in the matter.

He wants to turn the constituent agencies of the Federal Housing and Home Finance Agency into instruments for forcing integration of residential neighborhoods throughout the Nation. He would accomplish that by withholding FHA and VA loans from builders and individuals who do not comply with his notions of sociology, by turning the public housing and urban renewal programs into a grandiose scheme for blockbusting with no concern for the wishes of property owners or the effect upon property values, and by setting up satellite commissions in all the major cities of the country to force and police integration in housing.

Mr. President, since at least four—and possibly five—members of the Commission already have indicated that they intend to resign, the only man who stands to benefit from the power which is proposed to be bestowed upon the Commission is Mr. Tiffany himself.

I submit to you, Mr. President, that the power which he has requested for the Commission is of such magnitude that I would not trust it in the hands of any one man or group of men—and most certainly not in the hands of Gordon MacLean Tiffany.

Mr. President, I am confident that if the American people knew of the dictatorship and tyranny proposed in the report of the Commission on Civil Rights they would rise up in righteous indignation and demand as one that this Congress not only not extend the life of the Commission, but, rather, abolish it immediately.

It is a report which is best summarized in the words of the dissenting report of Commissioner John S. Battle, as follows:

In my judgment it is not an impartial factual statement, such as I believe to have been the intent of Congress, but, rather, in large part, an argument in advocacy of preconceived ideas in the field of race relations.

Mr. RUSSELL. Mr. President, will my colleague yield to me?

Mr. TALMADGE. I am delighted to yield to my distinguished senior colleague.

Mr. RUSSELL. I have read various reports by committees and commissions of one kind or another, in the years during which I have served in legislative bodies; but the report of this Commission is the most cunningly drafted report I have ever seen. In the cases on which the Commission was divided equally—as it did on most of the important findings presented in the report—whoever wrote the report sought to make it appear that the three Commissioners who were in favor of the most vindictive and punitive measures against the white people of the South were the Commission, and that the other three, who also were members of the Commission, were just some outsiders who interposed a little objection.

Mr. TALMADGE. My colleague is entirely correct.

Mr. RUSSELL. The report is the most amazing demonstration of the use of words to obscure what really took place that I have ever seen.



Mr. TALMADGE. I agree wholeheartedly with my distinguished senior colleague.

Mr. RUSSELL. Anyone who reads the report would think, as he reads the parts of the report in which some very violent recommendations are made, recommendations on which the committee members were divided 3 to 3, that the three members who stood in favor of the most drastic measures to destroy the rights of the States and the social order of the South were—and that only they were—the legitimate, recognized members of the Commission, and that the three members who stood, in the old-fashioned way, for maintenance of the Constitution of the United States were, in some way, interlopers.

Mr. TALMADGE. I agree entirely with the conclusions of my senior colleague from Georgia.

As he knows, if any legislative group is divided equally—no matter whether it is divided 3 to 3, 6 to 6, or 50 to 50—no action is taken. So I seriously doubt that the Commission had any right to take the action it took in issuing the report, when a majority of the Commission could not be obtained to support the ideas or the proposals of some.

Mr. RUSSELL. That is entirely true of this Commission; and that goes to show how cunningly devised are the recommendations contained in the report.

Mr. TALMADGE. Mr. Tiffany did that very skillfully, as my colleague has said.

Mr. RUSSELL. Is it not also interesting to note that although the Commission's staff obviously went to very great lengths in their attempts to obtain complaints on which the Commission could act—traveling here and there and "beating the bushes" in their efforts to obtain large numbers of complaints—only 974 complaints have been filed with the Commission thus far?

Mr. TALMADGE. Yes; 974 complaints were the most they could obtain, despite the most valiant efforts they could contrive.

Mr. ERVIN. Mr. President, will the Senator from Georgia yield to me for a question?

Mr. TALMADGE. I am glad to yield to my distinguished friend, the Senator from North Carolina.

Mr. ERVIN. Is not the report tantamount to an attempt to make it appear that the jury reached a unanimous verdict, whereas, in truth and in fact, the jury was deadlocked, three to three?

Mr. TALMADGE. The Senator from North Carolina, distinguished jurist that he is, is entirely correct; and he knows, too, that when a jury is equally divided, the jury should be discharged—which is exactly what should be done with the Civil Rights Commission.

Mr. THURMOND. Mr. President, will the Senator from Georgia yield to me?

Mr. TALMADGE. I yield to my friend, the Senator from South Carolina.

Mr. THURMOND. I wish to commend the Senator from Georgia for the outstandingly able address he is delivering.

Mr. TALMADGE. I thank the Senator from South Carolina. Let me say that it was a pleasure to me to listen, a

few minutes ago, to the admirable address he delivered. I believe he devastatingly pointed out the fallacies in the arguments made by some of our friends who come from other States, and who, although they do not have the answers to the serious problems which exist in their own States, pretend that they know the answers to the problems of the entire Nation.

Mr. THURMOND. Certainly that is the case.

I ask the Senator from Georgia whether it is true that the Civil Rights Act of 1957 dealt only with voting, and not with other fields?

Mr. TALMADGE. That is entirely my recollection.

Mr. THURMOND. But has not the Commission done now what the distinguished Senator from Georgia and I and others predicted it would do—namely, gone into the field of racial tensions, and come out with a report which is very warped, very integrationist, very anti-South, and certainly very un-American?

Mr. TALMADGE. The Senator from South Carolina is correct. The Commission has tried to set itself up as the final arbiter of voting, education, and housing, and is making recommendations that the executive branch of the Government do by Executive order that which Congress has no authority to do.

Mr. THURMOND. And was not one of the arguments that was made in favor of the establishment of the Commission that it would be in operation for a period of only 2 years, and then would end? But in this case has not the same thing happened that happens whenever a Federal agency is created for a brief time, namely, it finally becomes, or endeavors to become, a permanent agency?

If we extend the life of this agency, is it not likely that there will be a desire on the part of some to extend it further, and eventually to make it a permanent agency?

Mr. TALMADGE. That is entirely correct. I do not recall any Federal agency that ever was created that did not seek to be extended again and again, and forever, and did not want more funds, more authority, and more personnel. That is exactly what this agency is requesting.

Mr. THURMOND. This agency is requesting half a million dollars a year, is it not?

Mr. TALMADGE. Yes, in fact, in excess of half a million dollars a year.

Mr. THURMOND. Did not the Senator from Georgia say that in today's newspapers there appears an article by one member of the Commission's staff who advocates that the Commission be allotted double that amount, so it can go further into these questions and these issues, with the result of creating racial tensions and racial hatreds?

Mr. TALMADGE. That is correct.

In fact, if the proposed extension is permitted, it will not be very long before the Commission will even try to delve into family units, in an attempt to determine whether the mother and the father of the children discriminate against the children. That is the ulti-

mate goal of every arbiter of human relations—to regulate the family.

Mr. THURMOND. I wish to congratulate the Senator.

Mr. TALMADGE. I thank my distinguished friend from South Carolina.

In order that all might be familiar with these alarming recommendations, Mr. President, I ask unanimous consent that they—as contained in the publication "Excerpts From Report of the U.S. Commission on Civil Rights"—be printed herewith in the RECORD as a portion of my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Therefore, the Commission recommends that the Bureau of the Census be authorized and directed to undertake, in connection with the census of 1960 or at the earliest possible time thereafter, a nationwide and territorial compilation of registration and voting statistics which shall include a count of individuals by race, color, and national origin who are registered, and a determination of the extent to which such individuals have voted since the prior decennial census.

Therefore, the Commission recommends that the Congress require that all State and territorial registration and voting records shall be public records and must be preserved for a period of 5 years, during which time they shall be subject to public inspection, provided that all care be taken to preserve the secrecy of the ballot.

Therefore, the Commission recommends that part IV of the Civil Rights Act of 1957 (42 U.S.C. 1971) shall be amended by insertion of the following paragraph after the first paragraph in section 1971(b):

"Nor shall any person or group of persons, under color of State law, arbitrarily and without legal justification or cause, act, or being under duty to act, fail to act, in such manner as to deprive or threaten to deprive any individual or group of individuals of the opportunity to register, vote and have that vote counted for any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegate or Commissioner for the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate."

Therefore, the Commission recommends that in case of contumacy or refusal to obey a subpoena issued by the Commission on Civil Rights (under sec. 105(f) of the Civil Rights Act of 1957) for the attendance and testimony of witnesses or the production of written or other matter, the Commission should be empowered to apply directly to the appropriate U.S. district court for an order enforcing such subpoena.

Therefore, it is recommended that, upon receipt by the President of the United States of sworn affidavits by nine or more individuals from any district, county, parish, or other recognized political subdivision of a State, alleging that the affiants have unsuccessfully attempted to register with the duly constituted State registration office, and that the affiants believe themselves qualified under State law to be electors, but have been denied the right to register because of race, color, religion, or national origin, the President shall refer such affidavits to the Commission on Civil Rights, if extended.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State or by any person for any cause except inability to meet State age or length-of-residence requirements uniformly applied to all persons within the State, or legal confinement at the time of registration or election. This right



to vote shall include the right to register or otherwise qualify to vote, and to have one's vote counted.

Therefore, the Commission recommends: 1(a) That the President propose and the Congress enact legislation to authorize the Commission on Civil Rights, if extended, to serve as a clearing house to collect and make available to States and to local communities information concerning programs and procedures used by school districts to comply with the Supreme Court mandate either voluntarily or by court order, including data as to the known effects of the programs on the quality of education and the cost thereof.

1(b) That the Commission on Civil Rights be authorized to establish an advisory and conciliation service to assist local school officials in developing plans designed to meet constitutional requirements and local conditions; and to mediate and conciliate, upon request, disputes as to proposed plans and their implementation.

Therefore, the Commission recommends: That the Office of Education of the Department of Health, Education, and Welfare, in cooperation with the Bureau of the Census of the Department of Commerce, conduct an annual school census that will show the number and race of all students enrolled in all public educational institutions in the United States, and compile such data by States, by school districts, and by individual institutions of higher education within each State. Further, that initially this data be collected at the time of the taking of the next decennial census, and thereafter from official State sources insofar as possible.

More than \$2 billion a year of Federal funds go for educational purposes and to educational institutions. The principal recipients of these funds are the Nation's colleges, universities, and other institutions of higher education. Whether tax-supported or privately financed, they receive Federal grants and loans both for their general support and capital improvements as well as for research projects, special programs, and institutes.

The Commission recommends that an appropriate biracial committee or commission on housing be established in all cities and States with substantial nonwhite populations. Such agencies should be empowered to study racial problems in housing, receive and investigate complaints alleging discrimination, attempt to solve problems through mediation and conciliation, and consider whether these agencies should be strengthened by the enactment of legislation for equal opportunity in areas of housing deemed advisable.

That the President issue an Executive order stating the constitutional objective of equal opportunity in housing, directing all Federal agencies to shape their policies and practices to make the maximum contribution to the achievement of this goal, and requesting the Commission on Civil Rights, if extended, to continue to study and appraise the policies of Federal housing agencies, to prepare and propose plans to bring about the end of discrimination in all federally assisted housing, and to make appropriate recommendations.

That the Administrator of the Housing and Home Finance Agency give high priority to the problem of gearing the policies and the operations of his constituent housing agencies to the attainment of equal opportunity in housing.

Therefore, the Commission recommends that, in support of State and city laws the Federal Housing Administration and the Veterans' Administration should strengthen their present agreements with States and cities having laws against discrimination in housing by requiring that builders subject to these laws who desire the benefits of Federal mortgage insurance and loan guarantee programs agree in writing that they will abide by such laws. FHA and VA should es-

tablish their own factfinding machinery to determine whether such builders are violating State and city laws, and, if it is found that they are, immediate steps should be taken to withdraw Federal benefits from them, pending final action by the appropriate State agency or court.

Therefore, the Commission recommends that the Public Housing Administration take affirmative action to encourage the selection of sites on open land in good areas outside the present centers of racial concentration. PHA should put the local housing authorities on notice that their proposals will be evaluated in this light. PHA should further encourage the construction of smaller projects that fit better into residential neighborhoods rather than large developments of tall high rise apartments that set a special group apart in a community of its own.

Therefore, the Commission recommends that the Urban Renewal Administration take positive steps to assure that in the preparation of overall community workable programs for urban renewal, spokesmen for minority groups are in fact included among the required citizens participation.

Mr. TALMADGE. Mr. President, I reiterate my previously stated conviction that the kindest thing Congress could do with this Commission would be to allow it to be interred in history at the time contemplated by the act which created it. To allow it to expire as scheduled not only would relieve both the Federal Treasury and the Federal Judiciary of not-inconsiderable burdens, but also would rid our country of a divisive influence at a time when our greatest national need is for unity among all Americans of all races, all faiths, and all places of residence.

Mr. President, another Georgian in another day also was confronted with a so-called civil rights bill while serving in Congress. He was Alexander H. Stephens—the Vice President of the Confederacy and one of the most brilliant men of our history.

Although he was known affectionately to his fellow Georgians as Little Alex, he was an intellectual giant. The account of his opposition to the measure which radicals attempted to force through Congress following the War Between the States is one of great interest in the light of its parallel to present-day events.

The book, "Life of Alexander H. Stephens," gives this direct quotation from Mr. Stephens' address before the House of Representatives:

Interference by the Federal Government, even if the power were clear and indisputable, would be against the very genius concept of our whole system. If there is one truth which stands out prominent above all others in the history of these States, it is that the germinal and seminal principle of American constitutional liberty is the absolute, unrestricted right of State self-government in all purely internal municipal affairs. The first Union of the Colonies, from which sprung the Union of the States, was by joint action to secure this right of local self-government for each. It was when the chartered rights of Massachusetts were violated by a British Parliament, the cry first went up from Virginia, "The cause of Boston is the cause of us all." This led to the declaration and establishment of the independence not of the whole people of the united Colonies as one mass, but of the independence of each of the Original Thirteen Colonies, then declared by themselves to be, and

afterward acknowledged by all foreign powers to be, 13 separate and distinct States.

It is not my purpose at this time even to touch upon any of the issues involved in the late war, or the chief proximate cause which led to it, or upon whom devolves the responsibility of its direful consequences. But, taking it for granted that the chief proximate cause was the status of the African race in the Southern States, as set forth in the decision of the Supreme Court to which I have first referred, suffice it to say on this occasion that that cause is now forever removed. This thorn in the flesh, so long the cause of irritation between the States, is now out for all time to come. And since the passions and prejudices which attended the conflict are fast subsiding and passing away, the period has now come for the descendants to return to the original principles of their fathers, with the hopeful prospect of a higher and brighter career in the future than any heretofore achieved in the past. On such return depends, in my judgment, not only the liberties of the white and colored races of this continent, but the best hopes of mankind. And if any breach has been made in any of the walls of the Constitution, in the terrible shock it received in the late and most lamentable conflict of arms, let it be repaired by appeals to the forums of reason and justice, wherein, after all, rest the surest hopes of all true progress in human civilization. If, "in moments of error or alarm" we have "wandered" in any degree from the true principles on which all our institutions were founded, in the language of Mr. Jefferson, "let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty and safety."

In the workings of our complex system under our Federal Republic, each State is a distinct political organism, retaining in itself all the vital powers of individual State government and development; while to all the States, in joint Congress assembled, are delegated the exercise of such powers, and such only, as relate to extra-State and foreign affairs. The States are each perfect political organisms, with all the functions of perfect government in themselves, respectively, on all matters over which they have not assigned jurisdiction to the Federal head, or on which they have not restrained themselves by joint covenant in mutual prohibitions upon themselves. Under this system, adhered to, no danger need be apprehended from any extent to which the limits of our boundary may go, or to any extent to which the number of States may swell. For the maintenance of this model and most wonderful system of government, in its original purity and integrity, every well-wisher of his country should put forth his utmost effort. No better time for an effort on this line than now, right here in this House.

Let us not do, by passage of this bill, what our highest judicial tribunal has said we have no rightful power to do. If you who call yourselves Republicans shall, in obedience to what you consider a party behest, pass it in the vain expectation that the Republican principles of the old and true Jeffersonian school are dead, be assured you are indulging a fateful delusion. The old Jeffersonian, Democratic, Republican principles are not dead, and will never die so long as a true devotee of liberty lives. They may be buried for a period, as Magna Carta was trodden underfoot in England for more than half a century; but these principles will come up with renewed energy, as did those of Magna Carta, and that, too, at no distant day. Old Jeffersonian, Democratic, Republican principles dead, indeed. When the tides of ocean cease to ebb and flow, when the winds of



Heaven are hushed into perpetual silence, when the clouds no longer thunder, when earth's electric bolts are no longer felt or heard, when her internal fires go out, then, and not before, will these principles cease to live—then, and not before, will these principles cease to animate and move the liberty-loving masses of this country.

Mr. President, there is nothing which I might say which can add to the eloquence or eternal truth of those words of a great Georgian and a great American—a man who was above rancor and who could rise from the depth of defeat to plead on the floor of the lower House of this Congress for the preservation of the principles of constitutional Government and human freedom upon which our Nation was founded and survived even the divisive bitterness of fratricidal conflict.

Although almost a century has elapsed since "Little Alex" Stephens uttered those immortal words, they are even truer and more urgent today than then. He spoke the language of Georgians in 1874 and his words speak the language of Georgians today.

I can think of no better way in which to summarize the point I have been endeavoring to make to this Senate than by reiterating and endorsing his plea that—

The period has now come for the descendants to return to the original principles of their fathers, with the hopeful prospect of a higher and brighter career in the future than any heretofore achieved in the past. On such return depends, in my judgment, not only the liberties of the white and colored races on this continent, but the best hopes of mankind. And if any breach has been made in any of the walls of the Constitution let it be repaired by appeals to the forums of reason and justice, wherein, after all, rest the surest hopes of all true progress in human civilization. If, "in moments of error or alarm," we have "wandered" in any degree from the true principles on which all our institutions were founded, in the language of Mr. Jefferson, "let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety."

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I wish to commend very heartily the splendid address made by the Senator from Georgia, a man who gives great thought and consideration to the subject and who speaks with great earnestness and practicality in regard to this very important subject.

Mr. President, with reference to the motion to sustain the rules on the question of the extension of the so-called Civil Rights Commission, I think for several reasons it is very unfortunate that this matter is presented to the Senate in this way and at this time.

Mr. President, the report of the Commission has been published only since last Monday, 1 short week ago. During that time Senators have been in sessions of the Senate day and night, 6 days a week.

This is a very voluminous report, of more than 653 pages. The condensation thereof itself is almost 200 pages long.

There has not been a chance, in this very brief time, for anyone to really have any opportunity to make any rea-

sonable study of the major points involved. This is particularly true when one considers that the Commissioners themselves are divided three ways on every single major recommendation which is made.

Mr. President, it is certainly not in keeping with the sound legislative practices to bring before the Senate in the last days of the session, when there is an appropriation bill pending, a motion to suspend the rules in an effort to tack onto an appropriation bill the creation of or the extension of a legislative commission. That is contrary to all known sound rules of legislative integrity. So far as I know, it is simply not done unless it be a matter of very, very minor importance, almost insignificant, or something which is an extraordinary emergency.

The third point is the relatively large amount of money which has been expended by the Commission in such a short time. Certainly this has not been pursued or analyzed nor studied with the customary efficiency and completeness usual in regard to matters which come before this body.

I was amazed, Mr. President, to find that the Commission now has 67 employees, and large monthly expenses. For instance, in July the expenditures were some \$70,000. In addition to the regular staff of 67 employees, there are listed on page 789 of the Senate hearings some 20 consultants who are paid at the rate of \$50 a day.

I make no reference except one of commendation for these consultants. I do not know who they are. I assume they are people of character, integrity and ability. The very idea of having 20-odd consultants, who are paid at the rate of \$50 a day, with reference to the relatively slight and not involved investigation made by this group, certainly is a flag, on its face. It should cause the Senate, the legislative body, to move with caution and restraint and certainly to make a complete analysis.

Mr. President, with reference to the report itself, one of the most accurate descriptions made was made by Commissioner John S. Battle, a distinguished citizen and former Governor of the sovereign State of Virginia.

In the report itself Governor Battle had this to say:

In my judgment it is not an impartial factual statement, such as I believe to have been the intent of the Congress, but rather, in large part, an argument in advocacy of preconceived ideas in the field of racial relations.

I do not believe that in all my public life I have read words like that from a fine, intelligent public servant such as Governor Battle, a member of the Commission which had been considering the subject matter and was filing a report. I am sure I have never heard such an accusation and charge, when he said that in his judgment, the statements in the report were not impartial factual statements, but an argument in advocacy of preconceived ideas.

When we run through the pages of the report, we find that that is certainly a sound and accurate analysis of the

trend with reference to the entire subject matter. That is emphasized by the fact, too, that the Commissioners were unable to agree upon the major points reflected in the report, even though there is some clever writing which tends to show almost a unanimity on certain points.

The length of the report and the many immaterial and misleading arguments on race relations advanced therein make it apparent that no Member of the Congress has had any real opportunity to study the full report and obtain anything worthwhile from it.

I have had an opportunity to carefully review the references to my home State of Mississippi made in the report and have found them to be highly inaccurate and misleading and a prejudiced attempt to wrongly indict the people of my State. Only one side of the story has been told and that side is completely unverified. I shall not undertake to mention the many instances in which the report is completely inaccurate, both in direct fact and implications. I will mention, however, the statements made on page 59 where it is stated that Negro residents applying for registration to vote were given application blanks by the registrar and were directed to write a section of the constitution of Mississippi, giving a reasonable interpretation of the section which they had written.

The implication, of course, is made that this standard is applied only to Negro residents. In truth and in fact, any applicant for registration to vote, whether he be a member of the white race or the Negro race, is required to prepare an application, in his own handwriting. This is uniformly applied in Mississippi. The application is required by section 244 of the Mississippi constitution and is a very simple one. Generally, the applicant gives only the date of the application, his full name, age, and date of birth, occupation, place of business, name of employer, information concerning length and place of residence, and convictions of crime. Then the applicant is requested to write and copy a section of the Mississippi constitution, designated by the registrar and is instructed to write a reasonable interpretation of that section.

There is nothing unusual in any of these requirements and the Supreme Court of the United States has upheld that similar requirements in other States are reasonable and proper.

Written applications for registration are also required in Maine, Virginia, Louisiana, Alabama, and South Carolina. The ability to read and write must be demonstrated in New York, Oregon, Georgia, and North Carolina. In Alaska, Arizona, California, Connecticut, Delaware, Massachusetts, New Hampshire, Washington, and Wyoming, an applicant must be able to read any section of his State constitution.

Mississippi is not unusual in this respect since it is apparent that any applicant must satisfy similar requirements in other States.

Mr. President, this information is not new. It was available to the Congress



several years ago. In fact, several witnesses testified to this effect before the House and Senate subcommittees considering civil rights legislation in 1957.

What useful purpose, then, has the Commission served in this regard? The answer is obvious. None.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. I congratulate my friend on the able speech he is making. I ask the distinguished Senator from Mississippi if he has read the so-called constitutional amendment which the Commission recommended be adopted for the registration of voters in all the States of the Union?

Mr. STENNIS. Yes. I carefully read the proposed constitutional amendment.

Mr. TALMADGE. The distinguished Senator is a former judge, and a good one. I hope one of these days his outstanding talents will be recognized and that he will grace the U.S. Supreme Court bench.

Is it not true that under the constitutional amendment which has been recommended, if the Congress were to submit it and the States were to ratify it, lunatics, imbeciles, and insane people would be permitted to vote?

Mr. STENNIS. The Senator is correct. That is an illustration of the looseness with which it is drawn, and, with all respect, the lack of knowledge on the part of those who proposed it.

Mr. TALMADGE. Is it not also true that if someone were in the penitentiary for murder or treason, awaiting execution at a particular date and hour, and if he were able to break out of the penitentiary on election day and find his way to the polls, he would be entitled to vote under the proposed constitutional amendment?

Mr. STENNIS. That would be the solemn law of the land, enacted by two-thirds of the Members of the Congress and ratified by three-fourths of the States.

Mr. TALMADGE. I thank the Senator.

Mr. STENNIS. I thank the Senator for his contribution.

Continuing with reference to the written application—

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. LANGER. A moment ago the Senator mentioned a number of consultants who receive \$50 a day. I did not catch the number.

Mr. STENNIS. It is either 19 or 20. They are listed on page 786 of the hearings before the Senate Appropriations Committee.

Mr. LANGER. Does that include expenses as well?

Mr. RUSSELL. Mr. President, if the Senator from Mississippi will yield, I am glad the Senator from North Dakota asked that question. I was about to ask the Senator from Mississippi to point out the \$50 a day was only a part of the expense.

One of the consultants consulted for 140 days, at \$50 a day. He received

\$7,100, and \$1,141.44 for transportation, to come in and out to do his consulting. He received \$358.48 for other expenses. His per diem remuneration, on top of the \$50 a day, was \$1,542. So he received about half as much again, in addition to the \$50 a day, as expenses.

Mr. LANGER. What other employees are there besides the 20 consultants?

Mr. STENNIS. Sixty-seven. As of July the number of employees was 67, and the monthly expenses were about \$70,000.

Mr. LANGER. As I recall, when this matter came before the Subcommittee of the Judiciary Committee the report was not even ready.

Mr. STENNIS. I believe the Senator is correct. All the facts and figures are set out beginning at page 786 of the Senate Appropriations Committee hearings, and extending to page 791.

Mr. LANGER. The Senator from Missouri [Mr. HENNING] was chairman of the subcommittee which reported the bill to extend the life of the Commission.

Mr. STENNIS. Yes.

Mr. LANGER. At that time we could not get the report.

Mr. STENNIS. That is true. I thank the Senator for his questions and for his interest.

Mr. LANGER. Is there a limit on the number of consultants that can be employed?

Mr. STENNIS. It seems that the Commission has authority to employ the consultants it has employed. That is what was claimed in the hearings. I have not had time to check back to see whether that is correct or not.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. RUSSELL. So far as I know, there is no limit, except in the appropriation.

Mr. LANGER. I understand that, in addition, in every State in the Union there is a civil rights commission. In my State there are six or eight members.

Mr. STENNIS. That is true.

Mr. LANGER. Are they paid their expenses? What is the provision with respect to them?

Mr. RUSSELL. I cannot answer the question.

Mr. STENNIS. I am sorry that I cannot answer the Senator's question. They are termed advisory commissions, but I am not certain whether there is compensation.

Mr. RUSSELL. I do not believe they receive compensation, but I assume that their expenses are paid when they meet.

Mr. STENNIS. Probably so.

If carried out, the proposals in the report of the Commission would effectively destroy the relationship between the States and the Federal Government in the field of suffrage, even providing for registration of voters by Federal officials in some instances. The Federal Government would assume virtually complete control in the field of education. And further, there would be complete Federal control over all housing for which any Federal funds have been used in any way in years past, as well as in the future.

The only step remaining to assure complete federalization of the Nation would be enactment of a FEPC bill to bring all employment under Federal control.

In education, the role of the Federal Government has been one of leadership and assistance, with some financial aid in limited fields. As outstanding examples, we can point with pride to our land-grant colleges, our extension service and vocational education, as well as grants for research.

Yet the Commission recommends that we reverse completely this role of leadership and assistance to one of bribery, coercion and punishment, resulting in the absolute destruction of these worthy programs. Coercion in the field of education has never been—and I trust it never shall be—the policy of the Congress.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Georgia.

Mr. RUSSELL. As an eminent lawyer, I know that the distinguished Senator from Mississippi has been greatly impressed by the paradox which is presented by the report. What the authors of the report say is that under the 14th amendment everyone is entitled to equality. The 14th amendment does not mention color, race or creed; it mentions only citizens of the United States. It is said that States might discriminate against a citizen—and of course the question "What is discrimination?" is really the crux of the whole matter—by not permitting Negro children to go to school with the whites, and that if that happens in a State, there should be denied to all children, both white and black, any assistance from the Federal Government, and all schools should be closed down. It is a form of educational genocide they would wage against particular States. In my opinion, the equality they would provide is the greatest inequality that has ever been seen in the several States of the Union. It is the most vicious and vindictive proposal that has ever been made.

So far as I know, neither Thad Stevens nor Sumner, or any of the others who waved the red shirt in the days of reconstruction, ever advocated taking away from dependent children allowances they might get in one State because the State government would not adopt the policies of Myrdal; neither did they advocate the taking away from old people their old age assistance payments which they receive from the Federal Government because the State would not accede to the demands of the social reforms these people say should be instituted. That is what some of the consultants have been advocating for a long time.

In my opinion, if the life of the Commission is extended, we will find that these people will then advocate, as these consultants have advocated in other reports, that the Southern States be placed outside the pale of the law. As a matter of fact, some of these people, if they had their way, would declare an



open season on every person in the South who does not accept their ideas in any manner that they might desire. That is what they would advocate unless the people accepted the notions of these advocates as to the social order that should be adopted.

Mr. STENNIS. I thank the Senator from Georgia. He has pointed out clearly and vividly more than one of the major faults in the recommendation, and has applied his practical commonsense to show how far it would go.

Another point the Senator has made is that the report in a great measure reflects the preconceived ideas of some of these consultants—ideas which have been rejected by the American people over a period of years. I now yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I call the Senator's attention to a report which some people say is a factual report. Certain statements in it show that the members of the Commission, or at least the staff members, have not read the report.

On page 302 of the unabridged edition of the report it mentions the fact that the North Carolina Legislature adopted a statute allowing the school boards the discretion to assign pupils to schools, and it says in the fourth paragraph on that page:

So far as the Commission has been able to ascertain, the school boards of North Carolina unanimously exercised this discretion by assigning all white students to white schools and all Negro students to Negro schools.

On pages 224, 225, 226, and 227 of the report, it is pointed out that in certain cities of North Carolina, including Charlotte, Winston-Salem, and Greensboro, the school boards had assigned some Negro children to previously white schools. So the report contains absolutely contradictory statements concerning the same matters insofar as North Carolina is concerned. As to what extent there may be contradictory statements of facts in other parts of the report I have not been able to determine.

Mr. STENNIS. I thank the Senator, and it is a striking illustration of the many instances where, when put under the microscope of analysis, this report will not stand up and is erroneous and misleading. I have not had a chance to look into that part pertaining to the Senator's State.

Mr. ERVIN. So the report says at one place there is absolutely no integration in North Carolina schools, and in another place that there has been some integration in North Carolina. This being true, the report permits anyone who has certain ideas on this subject to find in it what he wants to find.

It reminds one of the schoolteacher who applied for a job teaching geography back in the days when people argued whether the earth was round or flat. The school board asked the applicant what he taught on that subject whether he taught that the earth was flat or round. He replied: "I will leave that to the school board. I teach either system." [Laughter.]

So we can find in the report two diametrically opposite statements concerning my State of North Carolina.

Mr. STENNIS. I thank the Senator.

Mr. President, the most shocking recommendation of all of those made by the Commission is the proposal to authorize Federal officers to act as temporary registrars in a State and to permit them to administer the oath of registration to applicants. This proposal is so ridiculous that certainly it will not be seriously considered now or at any other time by Congress. The qualifications of persons to vote are matters clearly reserved to each State under the Constitution. If this proposal is carried out, it would effectively destroy the relationship between the States and the Federal Government relating to suffrage. It would displace local officials elected by the voters of their respective counties and in effect replace these locally elected officers with persons appointed by Federal officials with no responsibility at all so far as the local level is concerned.

Mr. President, I wish to pass on and mention a subject matter of great concern to me, and that is our schools.

We read reports that schools are deteriorating in other areas of the Nation. I can continue to point with pride to the real progress that we are making in Mississippi, both in the enrichment of our school program and in the construction of necessary classrooms. Although Mississippi is a relatively poor State financially, we believe in the real merit of investment in educational opportunity. Since 1957 alone we have completed or now have under contract a total of 276 school buildings. Of this number 177 are for the use by members of the Negro race.

Of course these are the most modern and advanced facilities and include not only adequate classrooms but also necessary auditoriums, gymnasiums, cafeterias, science, libraries, clinics, home-making rooms, shops, and other facilities.

Mr. President, I wish to point out two striking illustrations here that were reported in the daily press by the United Press International, and I am reading a news item from Jackson, Miss., dated September 7, 1959. It concerns a colored man in my State who once applied to enter the University of Mississippi. His qualifications were found to be adequate to meet the test of entrance there, but he later moved to California. Not long ago he wrote a letter from Los Angeles and gave it to the press.

Mr. President, I ask unanimous consent that an article entitled "Clennon King Tells Regrets—Negro Who Tried Entry at Ole Miss Is Bitter at California," published in the Memphis Commercial Appeal of September 8, 1959.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLENNON KING TELLS REGRETS—NEGRO WHO TRIED ENTRY AT OLE MISS IS BITTER AT CALIFORNIA

JACKSON, MISS., September 7.—Negro Clennon King said in a letter received here

Monday that racial conditions he found in California made him regret that "I deliberately antagonized Mississippians" by trying to integrate the University of Mississippi.

King moved to Los Angeles from Gulfport, Miss., last year after failing in a try to enroll at the all-white university.

The former professor and minister sent a letter from Los Angeles to Editor Hodding Carter of Greenville, Miss., and mailed a copy of it to United Press International here. In it, King said his family moved to California because many Negroes considered it a new and better place to live.

#### FAR MORE OMINOUS

"But what I have found makes me sorry, in a way, that I deliberately antagonized Mississippians as I did, for Negro Mississippians' racial concerns are more basic than school integration," King said.

"The California type containment of the Negro is far more ominous than that of Mississippi because it is so much more efficient and professional and consequently that much more to be hated," said King.

"My brief experience in Mississippi soundly taught me one thing, that despite all the hullabaloo there is far more genuine bilateral concurrence there (in Mississippi) than the current racial propaganda admits."

King said Los Angeles has the highest per capita rate of major crime in the Nation and he said most of it is committed by Negroes. But he said "unfavorable racial matters and disliked racial thinking are made hush-hush" in California while "soiled reports from the South get predominant top billing."

#### HYPOCRISY SCORED

"My resented observation is the hypocrisy," said King. "How, for instance, the excessive crime figures of 'liberal and progressive' California compare with those of 'reactionary and backward' Mississippi."

"Even among my own people the Mississippi figures don't come anywhere near those here (in California). Yet there is no national nor international alarmed concern. One's calling attention to such things, when the North is again forcibly converting the South to its way of handling Negro affairs, is considered out of place by gullible Negroes and white liberals."

Mr. STENNIS. Mr. President, the substance of the letter is that, even though Mr. King found the laws of California to read more favorably to him than he thought the situation was in Mississippi, in reality they did not operate in that way. I say that with no discredit to California, but simply to offset many of the news items which appear in the American press, which are always holding up the thought, and are stating it as a fact, of the arbitrary discrimination against and mistreatment of those who are of the colored race.

Mr. President, I have another item in the field of education. This item was published as a United Press dispatch from Des Moines, Iowa. It is dated 2 years ago. The article is entitled "Negro Professor Says Pressure Is Worse in North." It reads:

DES MOINES, IOWA.—A Negro educator predicted Negroes will be happier "anywhere in the South" than in cities of the North within 15 years.

Dr. Alvin D. Loving, 49, Flint, Mich., said "the southern white know the Negro's potential. In the North this is not always so."

Loving is an associate professor at Flint College of the University of Michigan. He spoke here at a number of observances of Brotherhood Week.



Loving said racial pressures of the North are centered in the suburbs, where minority groups are excluded under gentlemen's agreements.

"I would advise you not to be concerned so much about what is happening in the South as what is not happening in the North," Loving said.

He also said the racial situation in the South "would get worse before it gets better."

Mr. President, I call attention to statements like that, and emphasize them, not to discredit any State or any city or even the efforts of the fine people in the communities, but to offset the constant stream of stories and misinformation which are highly misleading with reference to conditions in our Southland, against which the Commission's report is primarily directed.

By contrast, I call attention to an educational institution in my State. A report was made to a meeting of Methodists in Dallas, Tex., last week, by the Honorable O. B. Triplett, an attorney of Forest, Miss. I know Mr. Triplett. He is a lawyer, a fine, upright gentleman, a graduate of Yale University Law School, and one of the foremost citizens in the entire country in laymen's work in the Methodist Church. He tells the true story of his home town.

Mr. President, I ask unanimous consent that the entire article, which includes Mr. Triplett's statement, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Jackson (Miss.) State Times, Sept. 9, 1959]

#### THE HAWKINS SCHOOL STORY SHOULD BE TOLD (By Oliver Emmerich)

People of America who are searching for an example of racial harmony can turn to Forest, Miss. There to be observed is the case of E. T. Hawkins High School.

The E. T. Hawkins High School, built for Negro children, is the best school, white or black, in Scott County. This is what people in Scott County say about it.

O. B. Triplett, attorney of Forest, told the story of his Mississippi school to a meeting of Methodists in Dallas last week. Below we quote directly from Mr. Triplett's remarks.

"We have had as our Negro school superintendent for 26 years, Prof. E. T. Hawkins, who holds a master of arts degree from the University of Minnesota.

"His school plant was built before 1954 and his people named it in his honor—E. T. Hawkins High School. The vocational department of his school, in contests sponsored by the New Farmers of America, represented the State in the national contests 10 out of the 15 years vocational training has been taught in the school, and won first place in numerous events.

"Three times their school competed in public speaking on the national level, receiving one third-place award. They have also won first honors in choral music in State contests.

"For 15 years their football team, three times State Champion, never finished lower than third place in competition with other schools in the State. Their basketball teams won 10 State championships.

"The record of this school has been so outstanding that on an occasion when their high school chorus presented a chapel program at our white school, the white students without prompting, rose to applaud in appreciation of a fine performance.

"It is little wonder that in celebration of this 25th year as superintendent of our Negro school, an entire issue of our weekly newspaper was devoted to Professor E. T. Hawkins and his school, an honor never received by any white person. Among thoughtful people in both races, he is regarded as Forest's most indispensable citizen.

"Could anyone for a moment think that the students at E. T. Hawkins High School are put to a psychological disadvantage by having their own separate school? I asked Professor Hawkins, who is a leading Negro educator in our State, what percentage of the Negroes in his school district was opposed to integration. His reply was, 'At least 99 percent'—and, he added, 'This is true all over the State.'

"Our population is almost equally divided between the two races and we have found that the policy of separate but equal opportunities fits the conditions under which we live and commends itself to the reason and conscience of good men of both races.

"Men of good will, of course, recognize and deplore the injustices of discrimination; and we freely acknowledge that forced segregation has often worked hardships due to our failure many times in the past to furnish equal educational opportunities.

"But forced integration will work a hardship on many more people of both races."

The E. T. Hawkins school was built in 1953. It burned to the ground in 1957. The following day an architect was given orders to immediately make plans for a new school. A spokesman for the Mississippi State Department of Education says that the Hawkins school was rebuilt faster than any other Mississippi school on record.

A significant fact about Mr. Triplett's interest in this field is that he is scheduled to be in New York City on September 22 to appear before the executive committee of the general board of education of the Methodist Church. His purpose is to plead with the committee to adopt the policy of presenting in an atmosphere of freedom and Christian thinking both sides of the segregation controversy in Methodist literature. Several prominent Methodists of the higher echelon have agreed to join him in this plea. Dr. Henry Bullock, editor in chief of Methodist publications, has advised Mr. Triplett that he will be in New York and that he will make this recommendation.

The Methodist Church is a farflung, worldwide Christian organization. It is right and proper that it should be willing to present both sides of this controversial subject. It is significant that a number of Methodist leaders have joined in this effort.

The public in general and Methodists in particular, will be interested in the outcome of the September 22 meeting of the executive committee of the general board of education of Methodists. This problem is too far reaching and too significant to limit the publication of only one side of this globe-shaking controversy.

Mr. STENNIS. Mr. President, there is the testimony of two outstanding citizens of this little city, who have lived side by side for 25 years. They have worked in harness, morning, noon, and night, for the betterment and benefit of all the people of that community, and have received national recognition for the school to which Mr. Triplett refers as the Hawkins High School. That is not an institution which is supported by outside aid. It is not supported by the church. It is not supported by a philanthropic association of any kind. It is simply one of the many public schools in my State which can boast of such records as that.

I shall refer to a few more items pertaining to my State which bring out facts

altogether different from those which are represented by the report of the Civil Rights Commission. In my opinion, speaking as one in public life, the certain way to stir up and destroy the relations which Mr. Triplett mentions; the certain way to stop this progress and cooperation, is to try to force those schools to coalesce or go together. That is just as true as that night follows day. It is true now and will be true in the decades to come.

I point out with pride, and I hope with modesty, that I believe my State, numbers considered, is not exceeded by any State in the Union in what it is doing for its Negro citizens. Mississippi has the highest percentage of colored people of any State in the Nation. At the same time, Mississippi has the lowest crime rate in the Nation. I am referring to the uniform crime rate report for the United States for the calendar year 1958, a report issued annually by the Federal Bureau of Investigation, U.S. Department of Justice. I quote from the figures of the FBI the total offenses on the basis of 100,000 inhabitants.

In Mississippi, the total offenses were 335. That is the second lowest number in the United States. The lowest is for North Dakota, where, for each 100,000 inhabitants, there were 327 total offenses. The report, on page 56, reflects the figures I am giving.

For the Nation, the average number of crimes per 100,000 inhabitants is 897. That means that the average for the Nation is more than 225 percent higher than the average in my State.

I am not boasting about my State having some crime. I am sorry it has any. But on the average, the amount is a little less than 40 percent of the national average. Still, Mississippi is the State having the highest percentage of colored people of any State in the Union.

The certain way to destroy all the harmony, peaceful relations, cooperation, and continued existence on the part of the outstanding members of both races, who are willing to try to help the body politic in the community—the certain way to undermine and totally destroy those relations in that effort is to enforce the provisions of the report of the Civil Rights Commission.

Mr. President, I regret very much that it is necessary to call the attention of the Senate to the many vicious slayings and incidents of violence in these large cities. I know that the authorities there are anxious to cope with the situation and find a solution. At the same time, the civil rights of these cities are being violated and ignored every day. If any one of these incidents had occurred in my State, no doubt there would have been an immediate call from some of the race agitators living in these very cities for the paratroopers to be dispatched immediately.

The dispatch of Federal troops, of course, is not the answer to these problems. The Civil Rights Commission has not provided an answer, after 2 years of study and 668 pages of a printed report.

If given another 2 years and another 668 pages, the Commission will not make any useful recommendations, if past experience is any guide. The answer lies



in the individual States, with the local people working together in their own way to find a solution.

Mr. President, I want to make it absolutely clear that I am wholly opposed to the extension of the Civil Rights Commission. It is no secret that for many months now members of the Commission have been entirely dissatisfied with the work which was being accomplished by this group and were anxious to resign. They apparently know that no useful purpose is being served by the Commission. It is unreasonable to continue to stir up people of the various States by having the Commission go into these States and hold hearings which will never solve anything. These problems can only be solved by the people directly affected.

I can assure my colleagues that the people of both races in Mississippi are anxious to live together in peace and harmony and want to do so, without outside agitation. Mr. President, some make it appear that the two races are squared off, eternally in opposition to each other.

During the past few years, we have made outstanding progress in the training of our teachers and the construction of school facilities for the children of all races. Everyone is satisfied. As an example, I would like to call the attention of the Senate to an editorial which appeared in the Jackson Daily News on April 26, 1958, which refers to an editorial by Percy Greene, editor of the leading Negro newspaper in Mississippi, the Jackson Advocate. I ask unanimous consent that this editorial be printed in full at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### NEGRO EDITOR BLASTS NAACP

Percy Greene, editor of the Jackson Advocate, said in an editorial this week that the National Association for the Advancement of Colored People is badly in need of replacement as the leader in promoting the progress of Negro citizens in this country.

Greene, a Negro editor who recognizes the communistic influences which have dominated the NAACP, cites the national Negro crime wave as a challenge to racial leaders to quit demanding and start doing something to uplift the morals of the race.

"The Negro masses are in a psychological turmoil resulting from repeated emphasis on Negro civil rights, with Negroes themselves coming to have less and less respect for the civil rights of others while pressing for their own civil rights" is a sound piece of wording by Greene.

Citing the recent turnabout article by Time magazine on how the Negro crime rate has proven a failure in integration, Greene says that conspiracy of concealment (hiding the facts on crime and other factors) "is one of the evidences of the practice of Negro leaders telling the masses of Negroes what they want to hear rather than tell them the truth." Greene says despite the challenge to perform good for the race, Negro leaders are taking a "more profitable course."

Percy Greene writes as if he knows whereof he speaks.

Mr. STENNIS. Still, Mr. President, we are asked to act on this measure in the dying days of a long session, not to act on the merits of the measure,

but to act on it as a rider and an amendment to an appropriation bill.

Mr. President, I can think of nothing in my public life that would do more harm to the great areas of the Nation and not to do good to any, than to try to carry out the recommendations of this Commission. It ought not have the encouragement of having the breath of life blown back into it, after such a record and after such a report, which is contrary to the facts of life and experiences of mankind.

Mr. President, I do not wish to detain the Senate; other Members wish to speak. But I speak with great deference, now, to everyone, both in the Senate and elsewhere. However, all the efforts to reform and do good and bring about idealistic conditions elsewhere in the Nation, by some of our friends from other areas of the Nation, brought very vividly to my mind a speech which I read many years ago. It was delivered by an Indian chief. The short speech he made is contained in a collection of the world's most famous orations, and is to be found in volume 8 of that work, a few pages of which are devoted to orations by North American Indians.

It seems that a missionary by the name of Cram in 1805 made an appeal, in a sermon, to the Council of Chiefs of the Six Nations. The chief who spoke for them later was Red Jacket. He is said to have been born about 1752, and died in 1830. His nation were the Senecas; and his home was near Geneva, N.Y. The name "Red Jacket" came from an embroidered scarlet jacket which had been presented to him by a British officer during the War of the Revolution. Red Jacket saw service on the American side in the War of 1812.

After this sermon, which must have been a powerful one, an appeal to the Indians to desert their concept of the Great Spirit, and worship our God—and that appeal was presented by that very fine missionary—the Indians held council and decided what they should do, and reached their conclusion, and authorized Red Jacket to speak for them.

I shall not read all of his reply, which is 3 pages in length; I shall read only the last, summarizing, as follows:

Brother, we are told that you have been preaching to the white people in this place. These people are our neighbors. We are acquainted with them. We will wait a little while and see what effect your preaching has upon them. If we find that it does them good, makes them honest, and makes them less disposed to cheat Indians, then we will consider again what you have said.

These words came from an Indian who we say was uncivilized, unlettered, untutored, unlearned. He never sat in the Council Halls of this Nation, as we do. But he spoke a great truth, not on racial matters, but on the great, important matters of life, even up into the spiritual realm.

So, Mr. President, with the greatest deference to our friends, let us observe them a while longer—in the East, in the North, in the West, in the South—anywhere. Let us see what the doctrine they preach does in their own areas. Let us have a chance to work along the lines we think are practical and valid—at

least for a time; and we will observe their conditions again, and then we will take counsel with them again, to see whether we shall desert our plan and adopt theirs.

Mr. President, I appeal to the second reasoning, the second thought, of the membership of this body. Let us not carry on a thing that in race relations is usually a farce. Instead, let us get back to the fundamentals of life, as mentioned by Red Jacket, and move forward. Let us all move forward together on these racial matters, as they affect education, as they affect suffrage, as they affect other rights. That is the only way progress can be made.

Mr. President, I had told the Senator from Pennsylvania I would be glad to yield to him. However, I believe he has left the Chamber.

Mr. President, I yield the floor.

#### EXECUTIVE PRIVILEGE

Mr. MONRONEY. Mr. President, on Saturday, during the consideration of the amendment offered by the Senator from Virginia [Mr. ROBERTSON], the senior Senator from Oregon [Mr. MORSE] discussed with his usual thoroughness the constitutional basis of and limitations on executive privilege.

In reviewing his comments, and the background material which he inserted in the RECORD, I felt that it would be helpful to Senators to have additional background material on the specific question involved in the Robertson amendment, that is, the assertion of executive privilege to contravene a specific statutory direction that the information be furnished.

I believe that the most complete analysis of this problem which has been undertaken in the Congress is that made by the Moss Subcommittee on Government Information—at the direction of Chairman WILLIAM L. DAWSON, of the House Committee on Government Operations—in connection with its investigation of the refusal of the Air Force to furnish information to the Comptroller General.

I therefore ask unanimous consent to have printed at this point in the RECORD a number of memoranda from the hearings and report of the Moss subcommittee.

There being no objection, the memoranda were ordered to be printed in the RECORD, as follows:

#### EXHIBIT IV-A

U.S. GENERAL ACCOUNTING OFFICE,  
OFFICE OF GENERAL COUNCIL,  
Washington, D.C., November 4, 1958.

MEMORANDUM ON RIGHT OF THE COMPTROLLER GENERAL TO ACCESS TO A REPORT OF THE INSPECTOR GENERAL OF THE AIR FORCE ENTITLED "SURVEY OF MANAGEMENT OF THE BALLISTIC MISSILES PROGRAM"

The basic statutory authority of the Comptroller General for access to records of departments and agencies is set forth in section 313 of the Budget and Accounting Act, 1921 (31 U.S.C. 54). Section 313 provides:

"All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require



*United States ex rel. Von Heymann v. Watkins* (159 F. 2d 650): An alien German was brought to the United States from Costa Rica and interned under an act which gave the President authority to remove where an alien refused or neglected to depart. The court held that this restraint was unlawful insofar as voluntary departure was interfered with by the Government and the alien had not refused nor neglected to depart for reasons other than the forced detention by the authorities.

*Schechter Corporation v. United States* (295 U.S. 495): In the *Schechter* case, the Congress, by the enactment of the National Industrial Recovery Act, delegated to the President the power to approve various codes of fair competition. The act provided for the creation by the President of administrative agencies to assist him, but the action of reports of such agencies were to have no sanction beyond the will of the President who would accept, modify, or reject their suggestion as he pleased.

The court held that this act was an unconstitutional delegation of legislative power to the Executive.

*Youngstown Sheet & Tube Co. v. Sawyer* (343 U.S. 579): The President by Executive order directed the Secretary of Commerce to seize and operate the steel mills. The order was not based upon any statutory authority. The Congress had provided other methods through the Taft-Hartley Act to handle such a need.

The court held that the Executive order was not issued pursuant to the Constitution or to a statute, and it was, therefore, of no effect. Moreover, in its consideration of the Taft-Hartley Act the Congress refused to authorize governmental seizures of property as a method of preventing work stoppages and settling labor disputes.

*Cole v. Young* (351 U.S. 536): The 1950 act provided for the dismissal of security risks where employees were on classified work. The President, pursuant to the act, by Executive order, extended it to all Government jobs. The defendant was not on classified work, and he did have veteran's preference. He was restored because the standards prescribed by the Executive order and its application by the Secretary were not in conformity with the act.

### III

The following statements from Supreme Court decisions clearly enunciate the law with respect to the powers of the President and other executive officers to exercise an unexpressed constitutional power for the promulgation of a directive, such as the Department of Defense directive, which attempts to contravene, modify, or amend an existing statute. In the famous case of *Marbury v. Madison*, Chief Justice Marshall said:<sup>84</sup>

"By the Constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character and to his own conscience. To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority, and in conformity with his orders.

"In such cases, their acts are his acts; and whatever opinion may be entertained of the manner in which Executive discretion may be used, still there exists, and can exist, no power to control that discretion. The subjects are political. They respect the Nation, not individual rights, and being intrusted to the Executive, the decision of the Executive is conclusive. The application of this remark will be perceived by adverting to the act of Congress for establishing the Department of Foreign Affairs. This officer, as his duties were prescribed by that act, is to con-

form precisely to the will of the President. He is the mere organ by whom that will is communicated. The acts of such an officer, as an officer, can never be examinable by the courts.

"But when the Legislature proceeds to impose on that officer other duties; when he is directed peremptorily to perform certain acts; when the rights of individuals are dependent on the performance of those acts; he is so far the officer of the law; is amenable to the laws for his conduct; and cannot at his discretion sport away the vested rights of others."

Again, in *U.S. v. Kendall*, the Supreme Court said:<sup>84</sup>

"The executive power is vested in a President; as far as his powers are derived from the Constitution, he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power. But it by no means follows that every officer in every branch of that department is under the exclusive direction of the President. Such a principle, we apprehend, is not and certainly cannot be claimed by the President.

"There are certain political duties imposed upon many officers in the executive department, the discharge of which is under the direction of the President. But it would be an alarming doctrine, that Congress cannot impose upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the Constitution; and in such cases the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President."

In the present case the statements of Mr. Justice Jackson, a former Attorney General, in his concurring opinion in the *Youngstown Steel Seizure* decision have particular significance with respect to the power of the President and those who seek to claim his authority for their acts. After referring to himself as one "who has served as legal adviser to a President in time of transition and public anxiety,"<sup>85</sup> he stated:<sup>86</sup>

"When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive Presidential control in such a case only by disabling the Congress from acting upon the subject. [Footnote omitted.] Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system."

Mr. Justice Douglas in his concurring opinion in the *Youngstown* case referred to the Constitution and stated:<sup>87</sup>

"Article II which vests the 'executive power' in the President defines that power with particularity. Article II, section 2 makes the Chief Executive the Commander in Chief of the Army and Navy. But our history and tradition rebel at the thought that the grant of military power carries with it authority over civilian affairs. Article II, section 3 provides that the President shall 'from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.' The power to recommend legislation, granted to the President, serves only to emphasize that it is his function to recommend and that it is the function of the Congress to legislate. Article II, section 3

also provides that the President 'shall take care that the laws be faithfully executed. But, as Mr. Justice Black and Mr. Justice Frankfurter point out, the power to execute the laws starts and ends with the laws Congress has enacted."

### CONCLUSIONS OF LAW

I. No executive officer can use his statutory authority to prescribe rules and regulations for the conduct of his office to issue a directive, rule, or regulation which contravenes, modifies, or amends a statute.

II. No executive officer can use the alleged constitutional power of the President, either by expressed or assumed delegation, to issue a directive, rule, or regulation which contravenes, modifies, or amends a statute.

III. A proclamation or Executive order issued by the President is invalid if it contravenes, modifies, or amends a statute.

Mr. MONRONEY. I also ask unanimous consent that the last phrase of the suggested amendment which appears as the second paragraph in the third column on page 17738 of the CONGRESSIONAL RECORD for Saturday, be corrected so as to read "the limitation on the use of funds provided in subsection (d) shall be applicable, notwithstanding the certification by the President."

The PRESIDING OFFICER. Without objection, it is so ordered.

### AGRICULTURAL RESEARCH

Mr. STENNIS. Mr. President, it has been brought to my attention that scientists in the Department of Agriculture have made a major breakthrough in basic agricultural research. It is my understanding that this discovery, made at Beltsville, Md., is receiving exciting interest throughout the scientific world.

Researchers for the first time in history have identified and isolated the chemical substance that controls plant growth. This discovery will have far-reaching implications and will set the stage for revolutionizing research in the field of plant growth. Much of this will be basic studies that will help scientists gain a more complete understanding of how a plant grows and its reaction to light and other growth factors.

With increased knowledge of pigments, research workers believe they will be able to modify plants at will and thereby influence fruiting habits and other basic characteristics. I visualize this as giving scientists a new tool to fit scientific needs and provide means for higher yields, improved quality and insect and disease control. It will lead to better food, fiber and raw materials and in all probability greatly reduced cost of production.

Mr. President, this new discovery is an important milestone for agricultural research and reconfirms my strong belief that funds spent for research are our soundest investment. I request unanimous consent that the news release published by the Department of Agriculture be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

### USDA SCIENTISTS FIND HOW LIGHT CONTROLS PLANT DEVELOPMENT

The triggering mechanism for all plant development has just been found by U.S. Department of Agriculture scientists. The discovery promises to be the key to man's

<sup>84</sup> Peters 610.

<sup>85</sup> *Youngstown Sheet & Tube Co. et al. v. Sawyer*, 343 U.S. 634.

<sup>86</sup> *Ibid.* at 637, 638.

<sup>87</sup> *Ibid.* at pp. 632, 633.

<sup>88</sup> Cranch 165.



complete control of plant growth from seed germination through plant flowering and fruiting.

The scientists have recovered the pigment forms from corn plants and have removed some of the impurities. The material isolated is a protein, and functions as an enzyme. The pigment forms can be converted from one to the other outside of the plant, and this action can be detected by laboratory instruments. In the past conversion of one form to the other was detected only by plant response. Now the presence of each can be detected by absorption of red or far-red light.

As the pigment forms are purified further, the scientists believe that they will be able to identify and modify them at will, and thereby influence the character of plant growth.

For scientists the discovery opens the door to further research on this triggering action to enable man to tailor make plants for his needs. Possible results are crops of special heights for better harvesting, flowering of plants at times convenient to man, or for better control of plant pests.

Dr. Byron T. Shaw, Administrator of USDA's Agricultural Research Service, hails the discovery as an outstanding basic research achievement. "It is the kind of discovery envisioned when the Department's new pioneering research laboratories were established. It provides means for the better control of plant development for specific purposes—for better food, fiber, and industrial raw material," he said.

Drs. Harry A. Borthwick and Sterling B. Hendricks, at the Agricultural Research Center, Beltsville, Md., made the discovery in studying the effects of differences in the color and intensity of light on growth responses such as flowering, seed germination, elongation, and color production. Associated in the research also were Harold W. Siegleman, of the Agricultural Research Service, and Carl Norris and Warren Butler, both of the Agricultural Marketing Service.

It has long been known that light controls the reddening of apples by governing the formation of the coloring material. The side of the apple facing out from the tree is usually redder than the side facing the center of the tree.

Recently the scientists found the critical range of light for apple coloring to be in the red region of 6,200 to 6,900 Angstrom units. Above this region the amount of reddening of the apple declines rapidly as the wavelength of light increases toward far-red.

With soybeans growing on short days and long nights, an extremely short exposure to red light during the night will prevent the plant from flowering. Conversely, an equally short period of far-red light causes the plant to flower. However, if the intensity of far-red light is increased 100 times, the plant again fails to flower.

Drs. Borthwick and Hendricks have found growth responses to be governed by a reversible chemical reaction that is controlled by the color and intensity of light acting upon two pigment forms present in plants in invisible quantities.

One form of the pigment absorbs red light and the other far-red light. The pigment form that predominates in a plant depends upon the color of light to which the plant is exposed. The form produced by the action of red light regulates plant growth and can absorb far-red light. However, if this form absorbs far-red light it is converted back to the red-absorbing form that does not regulate plant growth.

To obtain the various colors of light for the experiment, the scientists directed white light from a high-intensity electric arc through a prism to break it into all the colors of the spectrum as is a rainbow. The portion of light used in this work was the red part of the spectrum from yellow (5,800 A.) to far-red (near the limit of visible red

light (7,000 to 7,500 A.), which is near the range of infrared or heat energy). An Angstrom unit, a measure of wavelength of light, is one millionth of a centimeter.

Colors in the yellow and orange range of 5,800 to 6,300 A. are absorbed largely by the red-absorbing pigment form, moving the photoreaction toward the production of the growth regulating form.

The red-absorbing form can utilize more light in the 6,300 to 6,700 A. region, red-orange to red than in other ranges. Therefore, this is the range requiring the least amount of light energy to convert this pigment form to the regulating pigment. Both pigment forms are present in this range of colors, but the regulating type predominates.

Both forms of pigment are present in about equal amounts in the 6,700 to 7,200 A. (red) region, with the midway point in the reaction about 6,950 A. At longer wavelengths the reaction moves toward the red-absorbing form and the shorter wavelengths (toward yellow) stimulate the production of the growth regulating form.

In the far-red region of 7,200 to 7,800 A. light absorption by the regulating form of pigment is at maximum, moving the reaction toward the reformation of the red-absorbing form.

It is the selective absorption of the various colors of light by the two pigment forms that apparently governs many phases of a plant's development, including flowering, germination, and elongation, and that promises to add even more knowledge of plant development.

Maximum suppression of germination of Great Lakes lettuce seed takes place near 7,000 A. The scientists also found that elongation of the lettuce root was controlled by the color of light. Elongation was found to be suppressed at 6,100 A. (orange) and stimulated by exposure to light in the far-red region of 7,500 A.

The intensity of light also has a marked effect on the germination of lettuce seed. Exposed to light of 7,500 A., for example, an intensity of 0.8 microwatts per square centimeter results in about 70 percent germination. An increase to 2 microwatts gives about 35 percent germination, while 30 microwatts reduces the germination to almost zero.

These differences, the scientists point out, vary according to the wavelengths of light being used in the experiment. Below wavelengths of 6,800 A. there are no appreciable differences in germination between the three levels of light intensity (0.8 to 30 microwatts).

#### LONGER TERM LEASES OF CERTAIN INDIAN LANDS—CONFERENCE REPORT

Mr. ANDERSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6672) to authorize longer term leases of Indian lands on the Agua Caliente (Palm Springs) Reservation. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the report was considered and agreed to.

#### MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. GORE. Mr. President, I voted for the civil rights bill in 1957. I did so with a deep conviction that the passage of that moderate civil rights bill constituted progress in a vexatious field of human relations in which the existence of injustice and discrimination would no longer permit inaction, but in which we must beware of the dangers of using force to push beyond the tolerance of public conscience and acceptance.

I thought passage of the civil rights bill of 1957 was a victory for the forces of reason and moderation, and a defeat for the forces of extremism. I voted for it with a deep conviction that the problems could not and should not longer be ignored by Congress, and that a public examination of the facts and conditions affecting the civil rights of all citizens would serve well the cause of freedom, equality, and justice throughout the United States.

I think it is a grave error, Mr. President, for Senators to regard civil rights as strictly a sectional problem. The problem is a national one. It exists in one form or another and in varying degrees of acuteness in many States. Moreover, there are some disturbing signs that tensions between groupings of our people may be tending to increase rather than abate. Perhaps these indications are misleading. I hope so; but prudence and a decent social conscience require recognition and action.

The Civil Rights Commission has now submitted its report to the Congress and to the President. To me, this report is disappointing. The Commission has included in its report statements which are obviously based on hearsay evidence and which, indeed, are admittedly unverified. This applies to some statements in the report with respect to conditions in the State of Tennessee. I would like to make it plain that I believe every qualified citizen should not only be permitted to vote, but should be encouraged to vote. The prevalence of contrary conditions in some communities, however, does not justify the publication of untrue, hearsay evidence or unverified rumor.

The Commission has included in its report recommendations of far-reaching import. The fact that several of these recommendations do not have the endorsement of the majority of the Commission indicates immature, if not hasty, conclusions.

Even so, the report is not without merit. Some of the suggestions merit serious consideration by the Congress and the American people. The Commission quite properly concerned itself with the question of State laws relative to the qualifications of voters and has undertaken to examine administration of such laws, to ascertain whether discrimination exists. Please permit me to repeat my oft-stated conviction that the right to vote is one which should not be de-



nied to any qualified citizen, regardless of race, religion or economic condition. Moreover, I believe every citizen is entitled to equal protection of the law, both Federal and State. Some of the Commissioners, however, have recommended a constitutional amendment which would have the practical effect not only of denying to the States the right to determine and require reasonable qualifications for voting, but which would operate to abolish all qualifications other than those of age and residence, however reasonable those qualifications might be, and by whatever level of government they might be imposed. I do not believe that the responsibility incident to exercising the right to vote can be so lightly regarded.

Fortunately the Congress is free to consider the recommendations of the Commission and is equally free to accept or reject them. The Commission has no power other than to inquire, report and recommend.

If I were to determine my position on continuing the Commission solely upon the basis of the quality of its initial report, my vote would be in the negative. It cannot be viewed so narrowly, however, for the problems remain unresolved. Discrimination does, unfortunately exist. The challenge to our democratic institutions will not permit us to cease our pursuit of means of assuring justice and equality before the law. It is in this spirit that I support the pending motion.

Mr. LONG of Louisiana. Mr. President, the activities of the U.S. Commission on Civil Rights since it came into being a little over a year ago do not justify its continuance as an independent agency of our Government. After a year of harassment of southern officials, the Commission has recently issued its report containing the most ridiculous and unsound recommendations that have ever been made by an official Government agency.

After studying this report, it is obvious that its recommendations are not the result of factual analysis, but simply a rehash of preconceived ideas in race relations. The Commission does not seem to understand that it is not possible to force one person to like another or to compel a man to respect another. Affection and respect result from a person's actions, not from laws. If a man is prejudiced against another, tolerance, understanding, and sympathy are better achieved by means of education and persuasion than by efforts to legislate tolerance and goodwill.

The way to improve the lot of the Negro is not to compel him to mix at every level with the whites, but to try and provide an opportunity for him to improve himself. It is not necessary for the Negro to be pushed into previously segregated schools, recreational facilities, and social clubs to improve his economic position in our society.

We in Louisiana are very proud of the tremendous strides that our Negro citizens have been making in every field in recent years. Progress has been made in the State of Louisiana in bringing equal and improved educational opportunities to the colored children of that

great State. It is this kind of rapid progress, desired and fostered by the progressive, sensible, and intelligent citizens of Louisiana, which actions the Civil Rights Commission and their recommendations threaten to impede, halt, or even reverse. We have made too much progress by cooperation, understanding, and good will among the races in the South to turn back the clock in the manner that we could expect if the recommendations of the Civil Rights Commission are to be attempted. These measures would defeat their own purpose.

I ask unanimous consent to place in the RECORD at this point a statement of advancement in Negro education during the past 10 years in Louisiana, which was prepared by Mr. L. L. Kilgore, the director of Negro schools for the Louisiana State Department of Education.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROGRESS REPORT ON EDUCATION FOR NEGROES  
IN LOUISIANA

(By L. L. Kilgore)

The statistical report on "Improvement in the Program of Education for Negroes in Louisiana" presents a clear picture of the progress that has been made over the past 10 or 11 years in providing educational opportunities for Negroes in the State. The parish school boards, superintendents, supervisors, principals, and teachers, as well as the lay public, are to be commended for providing this kind of program for the education of the children of Louisiana. In this narrative report, an attempt will be made to point out some of the more significant phases in which outstanding progress has been made.

In the matter of consolidation, which also includes transportation, buildings, and facilities, outstanding progress is shown. The total number of Negro schools has been reduced from 1,535 to 530. The number of 1-room schools has been reduced from 729 to 20. The number of buses for transportation of Negro pupils has been increased from 234 to 1,298. The number of pupils being transported has been increased from 14,911 to 121,714. The value of school property including sites, buildings, and facilities for Negro schools has been increased from \$11,386,859.83 to \$108,174,368.40. In practically every parish and city system, new modern school buildings have been provided by local bond issues or building taxes, the only exception being in a few military areas where Federal funds have been made available for buildings and facilities.

The program of consolidation in the Negro schools of the State of Louisiana has been accomplished in a highly professional manner. In practically every parish in the State, survey teams consisting of members of the

State department of education and/or members of the staff from the local school board office have completed studies and made recommendations for the consolidation of schools. These recommendations have also included the type of buildings to be built and the kind of transportation to be provided.

It has been said that best results insofar as pupil progress is concerned can be obtained from schools with enrollments that are neither too small nor too large. The attached tabulation shows that a majority of the Negro schools in Louisiana fall in the category of optimum size for adequate instruction and economical operation.

Louisiana is recognized as having one of the outstanding school lunch programs in the Nation. All except 8 of the 530 Negro schools serve hot lunches to the children. The number of children receiving lunches has increased from 31,288 to 174,706. The school lunch program is educational as well as nutritional.

The number of State-approved high schools has been increased from 87 to 169, and the number of high schools approved by the Southern Association of Colleges and Secondary Schools from 5 to 35. The number of pupils enrolled in high school, grades 9 through 12, has been increased from 12,965 to 45,891, while the number of high school graduates has been increased from 2,525 to 8,462. This indicates a tremendous increase in the holding power of the schools. A similar picture could be presented from grades 1 through 12. Outstanding progress has been made in upgrading the elementary schools, resulting in a great majority of these schools being approved by the State department of education.

The number of Negro teachers employed has been increased from 4,693 to 8,368. The average salary for teachers has been increased from \$1,536.38 to \$4,470 and the average retirement benefits from \$1,036 to \$2,774.40. The number of teachers holding college degrees has been increased from 2,218 to 6,563. We do not present here any figures to show the number of teachers holding master's degrees, but reports coming to the State department of education indicate that large numbers of teachers each year are obtaining master's degrees.

While most of the improvements shown above are quantitative in nature, they are necessary and a prerequisite to quality. Similar progress can be shown in the improvement in the quality of instruction. More attention is being given to supervision of the Negro schools than at any time in the past. More careful selecting of qualified teachers by superintendents, supervisors, and principals is in evidence. Inservice programs in the form of workshops and faculty studies, including self-evaluation with visiting committees, have been designed to improve the quality of instruction.

It is our feeling that all of the people of Louisiana take justifiable pride in the public schools of the State.

Size of Louisiana Negro schools, session 1958-59

(By L. L. Kilgore)

COMBINATION SCHOOLS

[Schools including grades 1-12]

| Enrollments            | 1 to 100 | 100 to 300 | 300 to 600 | 600 to 900 | 900 to 1,200 | Over 1,200 |
|------------------------|----------|------------|------------|------------|--------------|------------|
| Number of schools..... | 2        | 16         | 61         | 43         | 21           | 17         |

ELEMENTARY SCHOOLS

| Enrollments                                        | 1 to 100 | 100 to 300 | 300 to 500 | 500 to 800 | 800 to 1,000 | Over 1,000 |
|----------------------------------------------------|----------|------------|------------|------------|--------------|------------|
| Elementary schools only.....                       | 88       | 126        | 51         | 44         | 23           | 23         |
| Elementary departments of combination schools..... | 8        | 39         | 51         | 38         | 16           | 8          |



## Size of Louisiana Negro schools, session 1958-59—Continued

(By L. L. Kilgore)

## HIGH SCHOOLS

| Enrollments                                        | Under 50 | 50 to 75 | 75 to 150 | 150 to 300 | 300 to 500 | 500 to 800 | 1, 000 | Over 1,000 |
|----------------------------------------------------|----------|----------|-----------|------------|------------|------------|--------|------------|
| High schools only.....                             | 0        | 0        | 0         | 2          | 4          | 3          | 1      | 5          |
| High school department of combination schools..... | 5        | 9        | 33        | 60         | 29         | 10         | 3      | 5          |

## Improvement in the program of education for Negroes in Louisiana

(Prepared by L. L. Kilgore, State director of Negro schools)

|                                                                                             | 1947-48         | 1958-59          |
|---------------------------------------------------------------------------------------------|-----------------|------------------|
| Total number of schools.....                                                                | 1,535           | 530              |
| 1-room schools.....                                                                         | 729             | 20               |
| Number State-approved high schools.....                                                     | 87              | 169              |
| Number high schools approved by Southern Association of Colleges and Secondary Schools..... | 5               | 35               |
| Number high school teachers (9-12).....                                                     | 639             | 2,681            |
|                                                                                             | Gain 2,042      |                  |
| Number pupils enrolled in high school (9-12).....                                           | 12,965          | 45,891           |
|                                                                                             | Gain 32,926     |                  |
| Number high school graduates.....                                                           | 2,525           | 8,462            |
|                                                                                             | Gain 5,937      |                  |
| Number schools with lunch programs.....                                                     | 531             | 522              |
| Number of children participating in lunch program.....                                      | 31,288          | 174,706          |
|                                                                                             | Gain 143,418    |                  |
| Total number of teachers.....                                                               | 4,693           | 8,368            |
|                                                                                             | Gain 3,675      |                  |
| Average salary.....                                                                         | \$1,536.38      | \$4,470.00       |
|                                                                                             | Gain \$2,933.62 |                  |
| Retirement benefits (for a teacher with approximate maximum experience).....                | \$1,036.00      | \$2,774.40       |
|                                                                                             | Gain \$1,738.40 |                  |
|                                                                                             |                 | 1957-58          |
| Number of teachers with 4 years' college or bachelor's degree.....                          | 2,218           | 6,563            |
|                                                                                             | Gain 4,345      |                  |
| Transportation: Number of buses.....                                                        | 234             | 1,298            |
|                                                                                             | Gain 1,064      |                  |
| Number of children transported.....                                                         | 14,911          | 121,714          |
|                                                                                             | Gain 106,803    |                  |
| Index of school buildings and facilities, value of school property.....                     | \$11,386,859.83 | \$108,174,368.40 |

Mr. LONG of Louisiana. Mr. President, these facts do not leave any doubt that in the last 11 years the people of Louisiana have made tremendous strides in improving their educational program. The same is true in public welfare and voting rights.

Rather than benefiting the Negroes in Louisiana, which is what the Civil Rights Commission presumably wants to do, the inflammatory report which they have issued will have just the opposite effect. The un-American recommendations contained in the report will provide impetus for radical-minded people to form organizations dedicated to resisting the recommendations, forcibly is necessary. That is the kind of thing which would be started by this report.

Why cannot the people who sincerely want to improve the lot of all our citizens realize that this is not the way to do it? There is no doubt in my mind that

the Civil Rights Commission report is the thinking of its appointed staff members. Those people are radical extremists. Most fairminded people would not agree with a single suggestion of these radicals.

I do not know where the idea originated that forced integration was necessary. It simply will not work. People resent it. When we force people to do things in which they do not believe, we are inviting violence—the bombing of churches and synagogues, the closing of schools.

The Commission has not brought us any new facts or any new solutions to meet the troublesome problems of interracial relations. About all the Commission has been able to recommend is more forceable measures for compulsory racial integration and amalgamation in the field of education.

The Commission is able to recommend nothing other than cutting off all Federal aid for schools, both public and private, unless racial integration is achieved in those schools. This in itself is enough to show us that the Commission's program has no good features and would do a great amount of harm. Such a recommendation is no more than the suggestions of an irresponsible extremist. It fails to point out what the result of such a course of action would be in the South.

Surely, even the wild-eyed integrationists who compose the Commission staff must know that all States of the Deep South would gladly forego any Federal aid for anything before they would accept racial integration. In fact, the probabilities are the people of Southern States would prefer to let their children grow up in ignorance rather than accept compulsory racial integration. The proposal in this respect, as in others, helps no one and hurts everyone.

The proposal by the majority of the Commission would even deny Negro children the right to acquire a good public education in forcing an end to public education. The Commission's recommendations would mean that most Negro children would receive no education whatever in the Southern States, toward which the Commission's recommendations are directed. Sometime I wonder how foolish people can get, when, under the guise of acquiring a better education for a colored man, they make recommendations which would deny him any education at all. A majority on the Commission have convicted themselves of being either irresponsible or foolhardy when they make such a recommendation without pointing out the obvious consequences which will follow from a serious effort to carry out the recommendations.

In the field of housing, the Commission recommends that there should be no Federal housing program unless steps are taken to insure racial integration in the field of housing every step of the way. Mr. President, I am one of those who voted for the housing bill which recently became law. I voted for it with the conviction that Congress could not possibly be so misguided as to apply the Commission's recommendations to the housing program. If the recommendations by the majority of the Commission are to be applied in such a fashion that a person cannot obtain a veteran's loan or a FHA loan without agreeing to accept racial integration, then southern people will simply decline to accept the loan and southern Senators and Representatives will vote against future Federal aid in the housing field. The determined opposition of the South, together with the votes of those who oppose various Federal housing programs, would eventually mean that there would be an end to Federal aid to housing.

For a number of years I have wondered why more had not been done to assure better housing, better hotels, better motor hotel facilities, by means of low interest loans or some type of subsidy if necessary, to provide facilities for Negroes in all respects as good as those which are available to others. Yet this has not been the direction in which the proclaimed civil rights exponents wish to go. They seem to prefer no housing to the idea of better housing unless unacceptable conditions of racial integration are put into effect.

Perhaps some day persons will realize that few, if any, Negroes really want to marry persons who are not a member of their race. It is a law of nature that persons of any given race find their opposite members of the same race more attractive than those of a different race. This fact may seem strange and unacceptable to the kinds of persons who compose the staff of the Civil Rights Commission, but it is nevertheless true. I, for the life of me, cannot come to the honest conclusion, for example, that an oriental person is more desirable or appealing than a caucasian. Nor does a normal oriental find the average person of my race so attractive as one of his own. This may be a sad fact of life for the members of the Civil Rights Commission but the good Lord must have planned it that way because it has remained true throughout the history of mankind.

I had entertained the hope that the Civil Rights Commission might come up with fundamental thinking which might contribute to better racial relations. A white man does not desire to deny a colored man good housing nor a good education. The great majority of white persons in the South would certainly like to bring about those objectives for the negro. The negro—certainly a majority of negroes—prefer to be among their own kind just as the whites feel more comfortable among members of their own race. Neither has any basic desire to deny the other person that privilege.

The real problem here is that a negro does not want it suggested to him that he



is not invited somewhere on the basis that he is not good enough.

I know of nothing anywhere in Christian teachings to suggest that one should insist upon being in the presence of those who do not desire them around. While it may be wrong to dislike a person and it is ordained that one should love his enemies as well as his friends, I know of no suggestion that there is any recourse available against a person who does not love or admire one except perhaps to leave him alone. When it is suggested that persons would force themselves in the company of those who do not want them around, this goes contrary to the entire theory that one should so conduct himself that he will be respected and admired, with the result that persons will want him around.

So I say, Mr. President, all the present Civil Rights Commission has been able to bring to us is the thought that we should proceed with forced integration regardless of the resistance that it will meet, and that the Government should exhaust all means of denying rights and opportunities to persons who do not agree with the integration philosophy, even if this should mean similar and even greater denials to those who happen to agree with it.

As Commissioner Battle has so well pointed out, the Commission brings no new thoughts, no new ideas, merely more arguments of preexisting conclusions. If the recommendations of the Civil Rights Commission are to be carried out and thus end public education in many Southern States, it points toward more bombings, violence, hatreds, and misunderstanding.

In time the program of the Commission will lead to organizations bent upon forced resistance to forced measures.

It is extremely regrettable that the Commission was unable to bring us some suggestions and recommendations which might have made possible better understanding and a feeling of Christian brotherhood among men. Undoubtedly, there are a great number of things which could be done to advance the economic and social position of the Negro, things which men of good will of all races would have readily embraced. The present Civil Rights Commission has achieved little more than to increase controversies, to broaden the battlefield and to heighten the intensity of the fight. Hence, the life of the Commission should expire in the hope that perhaps at some future date there may be constituted a group above politics, able to resist the pressures and exhortations of persons who get elected by putting upon prejudices. Such a group might be able to point the way to a solution of the difficult problems that try our consciences.

Mr. SPARKMAN. Mr. President, on September 9, I spoke briefly on the Senate floor in opposition to the continuation of the Civil Rights Commission. At that time, I spoke directly to one of the Commission's recommendations which relates to the appointment of temporary Federal registrars by the President, and stated that I would have more to say about the Commission and

its dangerous recommendations at a later date.

Today, I want to review and to comment further on the Commission's recommendation that the President be given authority to appoint registrars. Also, I intend to discuss other unwise recommendations made by the majority.

#### TEMPORARY FEDERAL REGISTRARS

I pointed out last Wednesday, September 9, that the Commission has advocated that a law be enacted whereby when nine people in a political subdivision of a State feel that they have not been registered to vote soon enough—without specifying when or under what circumstances the application shall be made—the President of the United States shall have the authority to appoint a so-called temporary registrar to register persons to vote in Federal elections and to continue in that office so long as the President shall desire.

Such a proposal is in direct conflict with the Constitution of the United States. That the States have long been held to have broad power to determine the conditions under which the right of suffrage may be exercised should be well known to the members of the Commission. It certainly is well known to this Senate. *Lassiter v. North Hampton County Board of Elections*, 360 U.S. 45; *Pope v. Williams*, 193 U.S. 621, 633; *Mason v. Missouri*, 179 U.S. 328, 335.

Article I, section 2, of the Federal Constitution, in its provision for the election of the House of Representatives, and the 17th amendment, in its provision for the election of Senators, provide that officials shall be chosen by the people. Each provision goes on to state that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Moreover, the right to vote "refers to the right to vote as established by the laws and constitution of the State." *McPherson v. Blacker*, 146 U.S. 1, 39.

The members of this Commission would be well-advised to read the case of *Pope v. Williams*, 193 U.S. 621, 632:

The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States. \* \* \* It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution.

Notwithstanding the clear wording and intent of the Federal Constitution, as uniformly interpreted by the courts, this Commission would have the Congress turn over to the Federal Government the process of registering voters in the various States for Federal elections. It seeks to undermine the entire fabric of our system of government and asks this Congress deliberately to violate the Constitution.

It is no mere "happenstance" that the conduct of elections has been left to the States rather than vested in the Federal

Government. The importance of this doctrine has been stressed by the Supreme Court in innumerable cases. It is well expressed in *Guinn v. United States*, 238 U.S. 347. There the Supreme Court characterized the power of the State governments over suffrage as one "which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon the division of State and National authority under the Constitution and the organization of both governments rest would be without support and both the authority of the nation and the State would fall to the ground."

These are strong words, and were not lightly spoken. The power of the States over suffrage, which must include the power to register voters, is undoubtedly, as the Supreme Court stated it was basic to the foundations of our Government.

The majority of these Commissioners asks us to destroy our system of government and, in effect, to turn the matter of voter registration over to the President of the United States. No one could have imagined that even this Commission would have made such a proposal. To call it devastating, is to use understatement. For this proposal would allow nine temporarily frustrated applicants for registration to undermine the plenary power which the Constitution has accorded the States over all elections, State, and Federal.

These Commissioners tell us that the Founding Fathers were wrong; that the Supreme Court has been wrong throughout our history in holding that the plenary powers of State governments over the suffrage was essential to the continued existence of both State and national authority under the Constitution; and that this Congress should overturn it all and allow complete Presidential control over the election machinery of the various States in Federal elections at the behest of nine frustrated applicants.

As for myself, I prefer to abide by the Constitution, and to leave suffrage, and the regulation of it, where it has always belonged. Nor can I in good conscience support the continued existence of a commission which advocates that the Federal system be torpedoed.

The excuse given by the Commission for this proposed revolutionary departure from the Constitution of the United States is the experience of 17 persons in Macon County, Ala., who sought to be registered after they had appeared as witnesses before this Commission's hearings in Montgomery, Ala. No other specific example is cited, other than the recitation that suits are pending in Georgia and Louisiana.

This Commission would leave the Senate with the impression that there is no legal way for persons in Macon County, Ala., to present themselves for registration. But this is a gross distortion of the actual situation.

What the Commission did not tell this Congress is the basis upon which the Macon County suit was terminated. The United States had brought an action against the State of Alabama, in viola-



tion of the act of this Congress, and had taken the further unprecedented course of suing registrars who had gone out of office. In dismissing the complaint, the Fifth Circuit Court of Appeals, through one of the most distinguished federal jurists, Judge Hutcheson, laid down the clear course which these Macon County applicants should follow. *United States v. Alabama*, 267 F. 2d 808, 812:

[T]he remedy \* \* \* lies in taking appropriate action under Alabama law to compel those authorized to, and responsible for, constituting and filling vacancies in the membership of the Board of Registrars to fill those offices.

Contrary to the assertion in this Commission's report, there is an orderly and constitutional process for effecting the registration of voters for State and Federal elections. But apparently the orderly judicial processes which for 170 years have safeguarded the constitutional rights of the citizens of this country, are not satisfactory to this Commission. It would have this Congress, in direct violation of the Constitution of the United States, turn over the entire election machinery, insofar as registration is concerned, to the President of the United States.

Let us not be fooled by the camouflage of "temporary". There is no specification in the Commission report as to the circumstances under which the existence of so-called temporary Federal registrars shall be terminated. It would be naive to assume that such immense power, once conferred upon the President, would ever be relinquished.

The key to this unconstitutional and revolutionary proposal, and perhaps to other proposals as well, is found in the statement of Commissioner Johnson:

The public interest is not best served if private citizens and organizations are left to vindicate constitutional rights of national significance through litigation in the Federal courts. The development of public law should not be left primarily to private litigation (Commission report, p. 190).

This astounding statement is at war with the entire constitutional development of a nation which has been a model for freedom throughout the world. I do not know what this Commissioner means by "constitutional rights of national significance." For me, all constitutional rights are of national significance and transcendent importance. I cannot—and I am sure the Members of this Senate cannot—pick and choose among the various rights safeguarded by our Constitution, and say that some are important and others are not, and that some are of national significance and others are not.

Moreover, the entire body of our constitutional law has, as a matter of constitutional requirement, developed through the medium of private litigation in the courts. This is how our "public law"—insofar as it is constitutional law—has emerged. And this must be so because article III, section 2, of the Constitution of the United States confers jurisdiction upon the Supreme Court and the lower Federal courts where there is a real and substantial case or controversy between parties to a lawsuit. *Aetna Life Insur-*

*ance Company v. Haworth*, 300 U.S. 227; *Muskra v. United States*, 219 U.S. 346; and many other cases.

This is hornbook law, known to lawyers and laymen alike. It is the very essence of the great common law heritage which has come to us from England. And it has served throughout our history as a pole star which has guided the Supreme Court of the United States in the myriad of cases in which it has decided "constitutional rights of national significance."

It is difficult to believe that this Commission seriously asks this Congress deliberately to violate the Constitution of the United States because the constitutional requirements for orderly adjudication of disputes in the courts, the Commission says, is inadequate. I believe that the constitutional rights of our citizens are best safeguarded under our Constitution as it has emerged throughout its long existence. And I say that a Commission which seeks to overturn the fundamental basis of our Government should not be continued.

Let us end forthwith this abortive attempt to subvert our Constitution.

#### PROPOSAL TO ESTABLISH WHAT THE COMMISSION TERMS "UNIVERSAL SUFFRAGE"

Mr. President, another recommendation made by three of the six Commissioners, could be equally as disastrous.

I refer to the proposal which advocates a constitutional amendment fixing the qualifications for voting in Federal elections, and thereby taking from the States a power which has existed since the founding of this Nation. The proposed amendment is as follows:

##### SECTION 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State or by any person for any cause except inability to meet State age or length-of-residence requirements uniformly applied to all persons within the State, or legal confinement at the time of registration or election. This right to vote shall include the right to register or otherwise qualify to vote, and to have one's vote counted.

##### SECTION 2

The Congress shall have power to enforce this article by appropriate legislation.

In our constitutional democracy, the ultimate repository of power is in the people. This power is exercised at the ballot boxes. It is there that the people decide whether their Governments—State and Federal—have so conducted themselves as to be worthy of continuance in office.

Equally important, our Government is founded upon a system of checks and balances. Inherent in this system is the principle that State governments and the National Government—in a Federal system—shall balance one another, and check excessive exercises of power.

It is precisely because of the awesome enormity of the ultimate power at the ballot box that our Founding Fathers, even in Federal elections, conferred upon the States the power and authority to impose qualifications upon voters. Of course, these powers are subject to restrictions imposed by other provisions in the Federal Constitution.

Analysts of our Federal system have recognized that this diffusion of power over the qualifications for voters in Federal elections was a keystone in the great constitutional democracy which we have built. It is part of the genius of the Federal system.

The Supreme Court, too, has recognized this basic principle of our constitutional democracy. In *Guinn v. United States*, 238 U.S. 347, 362, the Court said

[The 15th amendment] does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground.

Moreover, the Supreme Court there said:

Thus the authority over suffrage which the States possess and the limitation which the amendment imposes are coordinate and one may not destroy the other without bringing about the destruction of both.

This proposed amendment would produce the awesome result which the Supreme Court foresaw in the *Guinn* case. Apparently, the proponents of this proposal would risk the destruction of both the authority of the Nation and the States. And they propose to do so in the name of preserving civil rights.

And what is the stated reason for this invitation to disaster? It is the objection of these Commissioners to literacy tests imposed in order to determine whether prospective voters are qualified to vote.

According to my information, 19 States now impose such tests. Five—Arizona, California, Delaware, Maine, and Massachusetts—require that a voter be required to read a section of the State or Federal Constitution and write his own name. Five—Alabama, New Hampshire, North Carolina, Oklahoma, and South Carolina—require that an elector be able to read and write a section of the State or Federal Constitution. Two States—New York and Oregon—require that the voter be able to read and write English. Wyoming and Connecticut require that a voter read a constitutional provision in English, and Virginia requires that the voting application be written in the applicant's hand before the registrar and without aid, suggestion or memorandum. Washington requires that a voter be able to read and speak the English language. Georgia insists that a voter be able to read intelligently and write legibly a section of the State or Federal Constitution. Louisiana and Mississippi have similar requirements.

These States, representing numerically more than a third of the Union and a cross section of the entire Nation, have seen fit to require this minimum in literacy and understanding as a prerequisite for exercising the precious privilege of voting. Have they trampled upon the civil rights of their citizens in so doing?

The Supreme Court of the United States as recently as June 8, 1959, thinks not. In *Lassiter v. North Hampton County Board of Elections*, 360 U.S. 45,



the Court upheld the literacy tests imposed by the State of North Carolina. It commented that the States have wide scope for exercise of their jurisdiction to determine who may vote, in State and Federal elections.

It commented (360 U.S. 52):

[I]n our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.

In the earlier *Guinn* case (238 U.S. 347, 366), the Court dismissed summarily the contention against the impropriety of literacy tests. It said:

No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted.

Moreover, the present Supreme Court in the *Lassiter* case rejected the notion, put forward by the proposals in the report of this Civil Rights Commission, that literacy tests and similar qualifications for voting, undermined the civil rights of our citizens. The Court said of such tests:

That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen. Certainly we cannot condemn it on its face as a device unrelated to the desire of North Carolina to raise the standards for people of all races who cast the ballot.

The proposal of this Commission regarding a constitutional amendment to strip the States of their powers to set voter qualifications in Federal elections demeans the high purpose of the States which have attempted to elevate the intelligence and understanding of their electorates. It has refused to recognize "while the right of suffrage is established and guaranteed by the Constitution it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers has imposed"—*Lassiter v. North Hampton Board of Elections*, 360 U.S. 45, 51.

These Commissioners have rejected the long-established fabric of our constitutional Union. Compare this revolutionary proposal with the traditional philosophy of our system of voting as expounded in *Pope v. Williams*, 193 U.S. 621, 632:

The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States. It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution.

Such patent disregard from the basic concepts of our Government is more than reason enough for the termination forthwith of the existence of this Com-

mission. This proposal disregards the very foundation of a Federal system of Government. It impugns the motives of 19 States who have prescribed what the Supreme Court during its term just past has characterized as fair methods of raising the standards of all people who cast the ballot.

Moreover, the proposal exhibits a complete inability to comprehend the function of a Constitution itself as the organic law of our Nation. The brevity of our Constitution, and its vigor and strength, have been universally praised. It is not really so important what these Commissioners feel about literacy tests. What is of overriding importance is their willingness to seek to amend the Constitution because they do not approve of this method of determining who shall vote. I would remind these Commissioners, in the waning hours of their existence, that our great Chief Justice John Marshall once said:

It is a Constitution we are expounding (*McCulloch v. Maryland*, 4 Wheat, 316).

No less startling than the sweeping nature of this revolutionary proposal, is the flimsy evidence upon which it is based. When this Commission held hearings in Montgomery, Ala., its Chairman stated that it had the duty "to determine what the facts are about voting in the United States and to report those facts to the President and to the Congress"—hearings, page 4.

The Chairman continued that objectivity on the part of the Commission "presupposes getting all of the facts"—hearings, page 4.

This Commission did not even seek to get all of the facts about one State—Alabama—in which it conducted investigations into voting. It heard from a small number of witnesses in 5 counties of the State, out of 67 counties. These counties were small, rural counties all located in one section of the State. They included none of the large metropolitan areas of the State, or in any way a cross section of the State. Moreover, a handful of witnesses from these five counties were heard from. The hearing was characterized by the Chairman as "a serious attempt to determine what the facts are about voting in Alabama"—hearings, page 4.

No reasonable man could have hoped to get the real facts about voting in Alabama from the testimony which was presented during the hearings held in Montgomery. It is difficult to be charitable about the motives which must have prompted this so-called investigation. Yet on the basis of this inaccurate evidence, this Commission seeks not only to blacken the name of Alabama but to advocate sweeping and revolutionary changes in the very Constitution of this country. I say that the injudicious nature of this Commission and of its procedure, and the demonstrated lack of understanding of what a Federal system of government means, is an affront to this Congress and to the people of the country.

#### PRESERVATION OF REGISTRATION AND VOTING RECORDS

The Commission has recommended that registration and voting records be

kept open to public inspection for 5 years. It adds, I am thankful to say, that "all care be taken to preserve the secrecy of the ballot"—Commission report, page 89.

But the report is strangely silent as to recommendations for preserving the secrecy of the ballot. Nowhere does the Commission recommend standards and conditions for inspection of voting records. Yet the Commission purports to deal with one of the most sacred of the rights of our citizens.

Elaborate safeguards have been built around the protection of income tax records, for example. Circumstances under which they may be obtained are severely limited. And a court subpoena or complicated procedure following request from other taxing authorities is necessary to obtain them.

In private corporation law, stockholders may look at corporate records only at convenient times and under proper circumstances. Similar safeguards surround the records of our myriad of administrative agencies.

But apparently the Commission is not at all sobered by the thought that the secret ballot—the very essence of democracy—may be undermined by its proposal that voting records be kept on public display for 5 years.

#### CONCERNING CENSUS OF VOTERS BY RACE, COLOR, AND NATIONAL ORIGIN

The Commission has proposed that this Congress authorize the Bureau of the Census and direct it to undertake in connection with the census of 1960 an investigation into the voting habits, and registration, of our citizens on the basis of their race, color, and national origin. Thus Federal officers who come and knock on the doors of the private homes of our citizens can seek to pry into some of the most private, and certainly most treasured, secrets of our citizens.

Should a government do this? Should Government representatives call on people and ask them about their voting habits? I say this is a private matter—a matter which must remain private if we are to have the safeguards which distinguish us from totalitarian nations.

Our Constitution assures us that private citizens have the right to shut the door on officials of the State unless their entry is under proper authority of law—see *Frank v. Maryland*, 359 U.S. 360 and many other cases. No matter who the officer is or what his mission, a Government official cannot invade a private home unless he has been ordered to do so by a court, or unless an immediate major crisis in the performance of his duty affords neither the time nor the opportunity for him to apply to a magistrate.

But suppose we are told that this is not an arrest or an investigation into the homes of our private citizens, but merely a call by a census taken which seeks to determine information about a person's voting habits. My answer is that the Government has no right under our Constitution, nor should it, to send its officials to the homes of our citizens and inquire into their methods of registration and voting, into their desires, habits, and aspirations in this regard. This is a private matter which in a democracy



must remain private. Secrecy of the ballot, in all of its aspects, is an essential ingredient of a democracy.

As said by Judge Prettyman in *District of Columbia v. Little*, 178 F. 2d 13, 17:

This right of privacy is not conditioned upon the objective, the prerogative, or the statute of the intruding officer. His uniform, badge, rank, and the bureau from which he operates are immaterial. It is immaterial whether he is motivated by the highest public purpose or by the lowest personal spite.

I will not vote to undermine this precious safeguard of our democracy—even for the President's Commission on Civil Rights.

Mr. President, I have already expressed my unqualified opposition to the report of the Commission on Civil Rights, and I have also expressed my hope that its life and functions will not be continued.

Today I wish to point out briefly in an objective manner the insidious designs of the findings and recommendations of this Commission in a field which is very close to my heart and one to which I have dedicated a large part of my service in this body, namely, housing.

In the first place, I feel that the Commission, established as it was by the Civil Rights Act of 1957 to investigate alleged deprivations of voting rights and legal developments constituting a denial of equal protection of the laws under the Constitution, committed a grave error in going into the field of housing. I feel also that it committed an inexcusable error in exploring this field on the surface with preconceived notions and not presenting the true picture from a well-rounded viewpoint, as it really is, or may be, in the hundreds of thousands of localities, not only in the South but all over the United States in varying degrees as each State and locality seeks to cope with this delicate and flammable subject.

My examination of the detailed report, rather than the condensed one already summarized in the RECORD, leads me to a feeling of commendation for the able and scholarly former Governor of Virginia, John S. Battle, a member of the Commission, whose short statement on page 551, rings like a bell in characterizing the report. I quote:

I must strongly disagree with the nature and tenor of the report. In my judgment it is not an impartial factual statement, such as I believe to have been the intent of the Congress, but rather, in large part, an argument in advocacy of preconceived ideas in the field of race relations.

Governor Battle struck the Achilles heel with these true words and I want to say here and now, Mr. President, that I do not want such a report to be used as an instrumentality in the hands of those who would like to kill the great housing program on which we have worked all these many years, to accomplish their purposes which I will fight at every turn of the road.

If you want to kill housing, this is the way to do it. Take the findings and recommendations of this Commission in the field of housing, based as they are on cursory spot checks in a few areas in the Nation, and you will find that in practical operation they would result in an

ever-increasing amount of Federal control and an overemphasis of racial feelings that would not exist unless the NAACP and bodies like the Civil Rights Commission stirred them up.

The first recommendation that biracial committees or commissions to hear complaints and study the problem be established in every city and State throughout the land with a substantial nonwhite population is innocuous enough on its face. I note, however, that the proposal of two of the six Commissioners in this regard would add that such local bodies be clothed with the public interest and bound by the so-called mandates of public life or State and local governmental action. This would accelerate what the Commission is getting at anyway and that is more control and less local governmental autonomy. It is my belief that whatever is done in this field of biracial committees should be done in a positive manner "in keeping with the requirement at the local level," to use the words of Vice Chairman Storey and Commissioners Battle and Carlton, whose supplemental statement discusses this very point.

Recommendations two and three would dignify this subject within the executive branch of the Government by an Executive order of the President, and place the Civil Rights Commission, if extended, in a vague but powerful position with respect to advising or forcing the Housing and Home Finance Agency as to how to conduct its own affairs. This would be just a further case of a Government agency superimposed on another Government agency for the purpose of enforcing a preconceived policy. It would lead to added confusion, more redtape, and more avoidance of responsibility. I would not like to see HHFA subjected to the dictates or whims of this Commission.

Recommendation No. 4 is a flagrant violation of our traditional concept, that within the spheres wherein they are empowered to act under the Constitution, States and local governing authorities may make their own laws and determine when and where they are violated. This recommendation would direct Federal agencies to determine through their own factfinding and administrative machinery whether individuals or corporations are violating State and local laws and to take immediate action prior to final action by the appropriate State agency or court. Whether these laws have been violated is a matter for State and local determination and I do not subscribe to the theory of a Federal administrative court or regional agency making these local determinations and thereby placing local bodies in a secondary position with respect to their own laws.

The other recommendations deal with racial matters in the field of public housing and urban renewal, and in a broad sense urge greater minority group participation. In this I defer to the supplemental statement on housing made by Vice Chairman Storey and Commissioners Battle and Carlton, found on page 549 of the report:

In dealing with the problem of housing, we must face realities and recognize the fact

that no one pattern will serve the country as a whole. Some parts of the foregoing report are argumentative, with suggestions keyed to integration rather than housing, and if carried out in full will result in delay and in many cases defeat of adequate housing, which is our prime objective. The repeated expressions, "freedom of choice," "open housing," "open market," and "scattering" suggest a fixed program of mixing the races anywhere and everywhere regardless of the wishes of either race and particular problems involved. The result would be dissension, strife, and even violence evident in sections where you would least expect it.

Yes, Mr. President, to carry out the programs suggested directly or indirectly by this Commission would lead to strife, dissension, and violence. Moreover, the innuendo of this report is that State and local governing bodies are not competent to enact their own laws and rules. The inference is that the people at the local level who live with this problem every day cannot deal with it. All State laws that had forced integration provisions were commended by the Commission, and those States and localities that had no such laws were criticized directly or indirectly. The remaining choice would appear to the Commission to be force from above by the Federal Government.

Mr. President, here is where I draw the line. My record in the Senate on States rights has been consistent for that principle. I believe in the principle and believe in it firmly and sincerely. I also believe in the help to the needy and the instigation of progress in this great land of ours by the Federal Government under the general welfare clause of the Constitution. I have supported Federal aid to education without Federal controls and have recognized the value and progress of the programs begun by the Morrill Act of 1862 and augmented by the Smith-Lever Act of 1914, for extension work aid, the Smith-Hughes Vocational Education Act of 1917, and the many Federal enactments in our present generation in this great field. I have supported housing legislation and believe that this Nation is well on its way to see the aims and purposes of the Housing Act of 1949 for "a decent home and a suitable living environment for every American family" realized. But with this, Mr. President, I do not advocate arbitrary Federal controls. I believe that to subject our great housing program to the dictates of the Civil Rights Commission would move in that direction and I am against it.

I believe that the Civil Rights Commission has gone far afield from what was intended, even under the legislation that was enacted in 1957. Many of its recommendations and many parts of its report deal with subjects which I am sure were never intended when it was established. We know not how far afield it might go if given an extended life. I am against it. I believe it should be allowed to die, and that this Congress would be making a great mistake if it should be continued for 2 years, as proposed by the amendment.

Mr. MORSE. Mr. President, it is a matter of considerable regret to me that Congress finds itself leaving town at a time when a most notable document has been received by the President and in



turn by Congress for its study and for what I had hoped would be constructive action in this session of Congress. That document is the report of the U.S. Commission on Civil Rights.

The report covers 3 areas in which discrimination, largely on racial grounds, needs attention from a Nation which says that it is dedicated to the proposition that all men are created equal. All that the Senator from Oregon has sought to do during his service in the Senate is to put that professing into practice.

These areas are voting, education, and housing.

It is my view that the recommendations contained in this report are of such importance and significance that they justify the first session of the 86th Congress remaining in session until they are considered and acted upon.

Probably the most fundamental of the areas covered in this report is the area of discrimination in the exercise of the franchise. Deny a person the right to vote and we have denied to him the power to gain not only political justice but economic and social justice. Of course I do not doubt that that is exactly why the colored people in some parts of the country are denied the right to vote. That they are so denied is one of the basic findings of the Commission.

#### VOTE GUARANTEE SET FORTH IN CONSTITUTION

I have listened with great interest to some of the discussions which have taken place on the floor of the Senate in regard to the matter of the right of the people, irrespective of the color of their skin, to enjoy the equality of voting privilege. I have listened to some very interesting interpretations of the court decisions which have been handed down. Some of those decisions, of course, were handed down long before the Supreme Court's series of decisions in the so-called school cases, the first of which, at long last in the jurisprudence of this country, called the attention of the American people to an undeniable fact set out in the Constitution.

I have not heard a discussion of even one great decision which in any way denies the legal soundness of the Supreme Court's decision in the school segregation cases insofar as the decision involves an interpretation of the Constitution of the United States.

It is particularly fitting that there be read once again into the debate the language of the Constitution from which none can escape, as far as the real meaning is concerned, as interpreted by the U.S. Supreme Court.

I shall not take the time to review at length the speeches which I made previously in the Senate in years gone by on the constitutional history of the 14th and 15th amendments, to the effect that in this country there is, from the standpoint of constitutional history, no denying the fact of the equality of rights under that Constitution.

Nor shall I take the time—because I am perfectly aware of the realistic situation which confronts the Senate—to review again that great landmark decision of 1803, rendered by the Chief Justice of the United States speaking for

the Supreme Court—that great Virginian, Chief Justice Marshall—in the case of Marbury against Madison, in which he made undeniably clear that the authority to determine the constitutional rights of the people of this country vests in the Supreme Court, and that if we do not like it, we must amend the Constitution. If those who would take away from the colored people of this country the equality of justice and right in respect to the voting privilege do not like the decision in Marbury against Madison, why do they not propose to try to accomplish that purpose by way of a constitutional amendment?

In fact, to my knowledge there is only one Senator who has faced the matter, and that is the Senator from Georgia [Mr. TALMADGE], who has offered a constitutional amendment, as a frank and forthright way of approaching this problem.

Mr. President, I am perfectly willing to have Congress render its decision on that proposed amendment. I am perfectly willing to let those in this country who advocate a continuation of the discrimination which is practiced against the colored people get their answer from the people of the United States on any proposal which in effect would repeal either the 14th or the 15th amendment to the Constitution.

I will not be diverted one inch from the constitutional road which I believe we must stay on with respect to this whole civil rights issue. Therefore, I believe that there ought to be read into the RECORD once again this answer which our constitutional fathers and those in our country who at the time the amendments were adopted have emblazoned in this organic law, guaranteeing to all people, irrespective of race, color, or creed, equality of legal rights. I read only a part of the 14th amendment, which says:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Mr. President, I do not know how the English language can be used more clearly than it is used in that part of the 14th amendment to the Constitution which I have read. Likewise, similarly crystal clear language was written into the 15th amendment. This is my answer to the argument just made by the Senator from Alabama [Mr. SPARKMAN] and others, who have argued the same thesis in recent days on the floor of the Senate.

The 15th amendment states:

The Congress shall have power to enforce this article by appropriate legislation.

The Senator from Alabama [Mr. SPARKMAN] and his colleagues who have been arguing the same thesis on the floor of the Senate to the effect that Congress is without power to guarantee all people in this country, including the colored people, the same privileges to vote in Federal elections, should read the 15th

amendment. The Civil Rights Commission has obviously read it, and I respectfully submit that the recommendations of the Civil Rights Commission in regard to this matter of guaranteeing voting rights to the colored people are based upon the 15th amendment.

Mr. President, if any State denies to a colored person the equality and the right and the opportunity to vote, the Civil Rights Commission is correct in its recommendation that Congress, the Federal Government, has a duty to see to it that that constitutional right is not denied; and it is a duty under the 15th amendment, to use the language of the amendment, to pass appropriate legislation to see to it that it is not denied.

That is what this great civil rights fight, in part, is all about. We are not going to rationalize this one away. We are not going to be able to run away from it, either, because this civil rights issue will not be solved until it is solved right.

It cannot be solved right until the precious privilege of free franchise, guaranteed by the 15th amendment, is effectuated by the necessary Federal legislation in order to carry it out.

My friends who are opposing me on this proposal can argue until doomsday. They cannot change the fact that under the 14th and 15th amendments to the Constitution of the United States these civil rights are guaranteed to all Americans. These two great amendments at least write into the Constitution the doctrine that second-class citizenship in this country for anyone cannot be reconciled with basic constitutional rights.

I speak most respectfully when I say that if any individual or any State believes that a denial of these constitutional rights can long be endured, I think they are mistaken, because time is marching far beyond that provincial point of view. The events of the day in which we live make perfectly clear that the American people will have to come to grips with this great problem. I happen to believe that the important thing is to get behind it. We are doing no service to the health of our body politic by keeping this problem constantly stirred up, short of a decision.

The decision which is needed is legislation which will carry out the unanswerable theory of constitutionalism laid down so long long ago by Chief Justice Marshall in Marbury against Madison, and implement the great decisions of the Supreme Court of the United States with respect to the so-called school cases.

#### CONGRESS HAS DUTY TO ACT NOW ON CIVIL RIGHTS

That is why I have taken the position that we ought to stay in session long enough to pass legislation which will put into legislative practice the major recommendations of the Civil Rights Commission. But I realize we are not going to do it. So I say now, at the early part of my speech, that as of the close of my speech I shall have something to say about the parliamentary practicalities which confront us tonight. I shall then introduce for appropriate reference a series of bills dealing with



the civil rights problem and ask that they be referred, serving notice that when we come back, whether it be later this fall or in January, I will continue, as I have for 15 years in this body, to fight for the adoption of implementing legislation which will give legal effect and meaning to the 14th and 15th amendments, because that is what this controversy is all about.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield with the understanding I do not lose my right to the floor.

Mr. JAVITS. I do not believe anyone doubts, no matter what position the Senator from Oregon or Congress decides we must take, that the Senator from Oregon has been and will continue to be sincerely—and I know there are very few Negroes in his State, relatively speaking—and from the depths of his convictions an ardent advocate of the rights of individuals, and that all should have the same treatment under the law, the same class of citizenship, and the same opportunities of civil rights.

I want the Senator to know, whatever might be anybody's difference of view on procedure, how long we ought to be here, whether we ought to act now, in January, or early in February, that there is no question that the Senator from Oregon is in the forefront of this struggle. He has been for many years, is now, and, I know, will continue to be.

Mr. MORSE. I consider it a privilege to serve side by side and shoulder to shoulder with the distinguished Senator from New York in this great historic controversy, in which some of us are seeking to strengthen the Union by putting into legislative effect the 14th and 15th amendments. The Senator from New York has been one of the gallant warriors in this great constitutional fight. I am sure he shares my view that we weaken the Union, and do not strengthen the Union, so long as we fail to take the legal steps which are necessary to guarantee first class citizenship to all the people who have citizenship rights in this country.

Mr. JAVITS. I thoroughly agree with the Senator from Oregon. I thank him for yielding.

Mr. MORSE. Mr. President, the denial of equality in education and in housing are serious enough, but so long as the suffrage remains, the individual and the group are not without recourse. But where the vote is denied, recourse is denied.

I remind Senators that next year is a presidential year. It is said that promises will be exacted on the floor which will guarantee to Congress the opportunity to consider civil rights legislation early next year. I think our discussion this morning makes very clear that the majority leader has no intention of guaranteeing any legislative course of action. He made perfectly clear this morning that there have been informal discussions of what our course of action should be next year on the civil rights issue, and he simply served notice, as was his duty as majority leader, that, come next year, in the absence of the passage of any civil rights legislation

prior thereto, it is his expectation that rather early in the session it will be called up.

But that is not by way of any promise; it is not by way of any agreement; it is simply by way of serving notice to the full membership of what he, as majority leader, happens to know are the plans of a good many Senators who will insist, if they can, within their parliamentary rights, upon getting some action on this issue early in the next session.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. JAVITS. I hope for the Senator from Oregon himself and for the rest of us that we will do much better. I rather feel that before we are through with this debate, we will.

Mr. MORSE. Let me say to the Senator from New York that I am sure we can do much better if we insist upon exercising our parliamentary rights and if we insist upon running the Senate within the rule book.

I want to make very clear that my determination to run the Senate within the rule book will not come to an end when this session is adjourned sine die tonight or tomorrow or the next day, or whenever we do adjourn. If anything has been demonstrated during the last 10 days, it has been demonstrated first, that we can transact public business in an orderly way, within the rule book; second, it has been demonstrated that following the rules is the best way to stop any steamroller attempt to rush through legislation which has not been fully and carefully considered.

Third, I think we have also demonstrated, I may say to the Senator from New York, that the business of the Senate can be transacted without the common practice of having unanimous-consent agreements which limit time for debate or which fix certain times to vote. If we have accomplished nothing else by the parliamentary procedure which has been followed in the last 10 days, we have accomplished those things.

Mr. President, I have said that next year will be a Presidential election year. If we are lucky, I suppose that will mean a speedy hearing on the report of the Civil Rights Commission, if we proceed to the consideration of civil rights legislation early in the next session of Congress.

If we are even luckier, it will mean some modest legislation. But the fact that 1960 is an election year, makes it imperative, in my opinion, that we consider this matter in 1959, not in 1960. We should consider it now, either by remaining in session long enough now to take it up, or by agreeing to take a recess until November, and to take it up in November.

Civil rights is as crucial, as "hot," a political issue as any in this country. In a presidential election year, this issue takes on proportions even larger than its real dimensions.

The possible effects upon the presidential primary and the general election campaigns of a civil rights battle in Congress would be so far-reaching that the issue itself, which is important in its own right, would become blown up.

Men take views and express views on civil rights which probably would never have occurred to them, were not the Presidency, or a Senate seat, or a House seat, in the offing.

Of course, the issue is critical both in the North and the South. Whenever a civil rights issue is raised, it is said by some that it is all being done by some northern politician who is looking for a few votes. Southern politicians do not look for votes, I suppose; or, if they do, they never look for them in the realm of civil rights.

Time and again, I have heard the accusation that northerners used civil rights as a political issue.

Does anyone think it is not a political issue in the South? Does anyone think there are not votes to be made in the South, as well as for integrationists in the North, from this issue?

It has become the position of the defenders of the status quo that to have dirt under the rug is not a crime, but for someone to pick up the rug and point it out, is a political crime. I think that those of us who advocate full enjoyment of every constitutional right by every American should stop being intimidated by that argument. The political defender of segregation is playing politics just as hard and fast as is the opponent of segregation; and because both sides are even on that score, the entire argument about politicians playing for votes on this issue should be dropped.

But the fact remains that a presidential election year is just about the worst possible time for real progress to be made on civil rights legislation. Positions are hardened, and both sides will see their futures at stake. I believe that the cool fall of the year preceding the election is a much more propitious time to take up this matter.

I also remind the Senate that what we have under consideration is primarily the right to vote. Can we wait until the year of a presidential election to act on this matter, and expect to have our machinery in order in time for anyone to make use of it by the first of November 1960?

If we were to stay here now, consider these Commission recommendations, establish the system of Federal registrars in accord with the Commission proposal, and enact the statutory and constitutional safeguards contained in this outstanding report, we might find that a year from now, some of those whose voting privilege we want to safeguard would actually be able to exercise it, in keeping with their rights as first-class citizens.

It is my opinion that by putting off this matter until next year, we are virtually assuring that any colored person who is not voting now will not be voting in 1960, either. That is not only sad; it is shameful.

It has occurred to me that these Commission recommendations might have been brought before the Senate as amendments to the pending bill. Not all of them are new. Some are already contained in proposed legislation which I have either sponsored or cosponsored,



and, hence, are pending before various Senate committees.

#### PROPOSAL FOR CONSTITUTIONAL AMENDMENTS

For example, three of the Commissioners recommend a constitutional amendments fixing uniform voting qualifications.

On July 9, 1959, I introduced Senate bill 2359, to accomplish by legislation exactly the same result.

My bill states that—

No State shall impose any poll tax, property tax or any property ownership qualification or property tax, or any literacy or intelligence test as a condition of the right of any citizen to vote at any election for a Federal officer.

As I read the language of the proposed constitutional amendment, I think it is probably superior to the language of my bill, because instead of trying to prescribe a list of voting qualifications, the proposed constitutional amendment states only two which may be imposed by the States—namely, age, and length of residence within the State.

Specifically, it reads as set forth in the Commission's report:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State or by any person for any cause except inability to meet State age or length-of-residence requirements uniformly applied to all persons within the State, or legal confinement at the time of registration or election. This right to vote shall include the right to register or otherwise qualify to vote, and to have one's vote counted.

The stated reason for this recommendation by Commissioners Hannah, Hesburgh, and Johnson virtually sums up the findings of the Commission in the area of voting. They state in their report—and I quote from page 97 of the abridged report:

In its investigations, hearings and studies the Commission has seen that complex voter qualification laws, including tests of literacy, education and "interpretation," have been used and may readily be used arbitrarily to deny the right to vote to citizens of the United States.

Most denials of the right to vote are in fact accomplished through the discriminatory application and administration of such State laws. The difficulty of proving discrimination in any particular case is considerable. It appears to be impossible to enforce an impartial administration of the literacy tests now in force in some States, for where there is a will to discriminate, these tests provide the way.

Therefore, as the best ultimate solution of securing and protecting the right to vote, we propose a constitutional amendment to establish a free and universal franchise throughout the United States.

The other three Commissioners—Messrs. Storey, Carlton, and Battle—disagree with the need for such a constitutional amendment, and state that the right to vote is already sufficiently protected by the Constitution. They feel that if the other recommendations contained in the report were effectuated, there would be no need for a constitutional amendment.

In passing, Mr. President, I note that that is an admission—at least, at that point in the report—by those three Commissioners that the Constitution

does guarantee that right. It is good to have that admission a matter of record. But, of course, the right is of little value to the voter unless it can be exercised; and it cannot be exercised—as the other Commissioners have pointed out in their report—if, in the case of the election of Federal officers, the election registrars or voting registrars, in carrying out the restrictions upon the right to vote, follow some of the discriminatory policies that have been adopted by some States—which, for example, require the applicant to give correct answers to very complex questions which, if uniformly asked of all who seek to vote, would result in the discovery that a great many persons whose skin is not black would not be able to answer the questions, either.

So we simply have to come to grips with what is happening in practice in regard to disqualifying prospective voters from voting, simply because it is alleged that they did not successfully answer some very complex questions which were put to them—questions which supposedly were designed, by law, to determine whether they had the requisite qualifications to vote.

In recognition of these practices, I introduced Senate bill S. 2359. There is also pending a constitutional amendment to abolish the poll tax, sponsored by the Senator from Florida [Mr. HOLLAND] and 60 other Senators, including myself. That is almost enough to adopt it, right now. I suggest that we ought to get that amendment before us before we adjourn, and proceed to vote on it. These measures bespeak the fact that we know the suffrage should be extended to persons not now able to enjoy it.

We have legislation which has already been introduced on this subject, and we have a series of recommendations from the Civil Rights Commission on extension and protection of the suffrage. Why wait any longer to act? Senators say we will just wait until next year, but I say if we wait until next year, we are really waiting for 2 years in the case of congressional elections and for 4 years in the case of the Presidential election before the persons who may be enfranchised will have an opportunity to cast a vote.

#### DESTRUCTION OF RECORDS CALLS FOR PROMPT ACTION

One recommendation of the Commission should certainly be enacted now. It is the recommendation that Congress require all State registration and voting records to be public records, and to further require that they must be preserved for a period of 5 years, during which time they shall be subject to public inspection.

This recommendation is based upon the finding that lack of uniform provision for the preservation and public inspection of all records pertaining to registration and voting hampers and impedes investigation of alleged denials of the right to vote.

We are proposing to extend the life of this Commission for 2 years. Here is an obstacle to its work which the Commission says should be corrected by congressional action. If the Commission is worth extending, certainly the obstacles which it says "hamper and impede" its

work should be considered at the same time—which means now, which means tonight and the days immediately to follow.

It was not so long ago that this floor rang with denunciations of individuals who destroyed certain records which were needed by an investigating body in order to determine whether money had been misused.

We heard that the officers of unions, principally of the Teamsters Union, were destroying union financial records, thereby impeding a congressional investigation.

As I made perfectly clear, Mr. President, if that were true, there was no possible justification for that kind of action on the part of any union or its officials. In fact, only 2 or 3 days ago, Senators will recall, the Senator from Arkansas [Mr. McCLELLAN] came before the Senate and asked for permission that the select committee of which he is chairman be authorized to turn over to the district attorney of Philadelphia certain records which the committee had in its possession and which related to alleged violations of the law on the part of a local teamsters union in Philadelphia. Those records were sought by the district attorney of Philadelphia for presentation to a grand jury.

The senior Senator from Oregon, after asking the Senator from Arkansas [Mr. McCLELLAN] certain questions which made it perfectly clear that the committee had a perfect right to those records, and that they were obtained by subpoena in the first instance, took the position that those records should be made available to the district attorney of Philadelphia.

We cannot have the proper administration of justice in this country if records which are necessary to administer the law are denied to law enforcement officers.

It has also been my position, Mr. President, that if we want to maintain a government by law there is no justification for countenancing the destruction of records necessary for the administration of law.

The labor reform legislation which included a prohibition against the destruction of union records and the imposition of criminal penalties for such destruction became a "must" item of legislation in this session of Congress, and such provisions were included in the labor bill I cosponsored. These provisions were never at issue.

It is very interesting to recall that certain of my colleagues in the Senate from the South were very anxious to have legislation of that type passed, and I agreed with them that it should be passed.

Mr. President, this works both ways. If it is a sound principle that we ought to have legislation providing for legal action in case a union destroys records which are needed by law enforcement officers to carry out their public duty, then it is also important that registrars not be allowed to destroy voting and registration records needed for a determination of the question of fact as to



whether the protection of the 14th amendment and the 15th amendment are being denied the colored people of America.

The Civil Rights Commission dealt with this problem. I say that when the Civil Rights Commission reports the same problem of the destruction of records in the field of voting registration, corrective legislation should have equal priority with legislation which seeks to correct abuses within the American labor movement with respect to the destruction of records needed for the administration of justice on a uniform basis.

The Commission reports that in one State where voting procedures were being investigated, the State legislature had passed a bill permitting the destruction of application forms of persons denied registration.

Such forms are essential to any investigation of a charge of the denial of the right to vote. What I have said is taken directly from the Commission report. If there is any doubt as to this problem of implementing the equal-protection-of-the-laws doctrine of the 14th and 15th amendments, we should take a look at that finding of the Civil Rights Commission. If one wants to know how far we have been going in this country, in some places, in denying colored people the right to vote, we have this finding of the Civil Rights Commission to the effect that one State legislature went so far as to pass a law authorizing the destruction of its registration records.

I ask, why? My surmise and suspicion is that the course of action followed by the registrars of that State could not stand the light of public inspection. That is why the State legislature passed the law.

I also want to say, Mr. President, that in my judgment, and insofar as Federal elections are concerned, a State legislature has no constitutional right to pass such legislation. If it does enact such a law, and if we are going to see that the guarantees of the Constitution are carried out, then it is the duty of Congress, in accordance with the 15th amendment, to pass appropriate legislation to correct that injustice on the part of State legislatures and, if necessary, to send in Federal registrars to protect the records.

#### NO INVASION OF STATE RIGHTS INVOLVED

I am not the least bit moved by all of the argument heard in the Senate in the past few days about an invasion of States rights, because such a law would be no invasion of States rights. I repeat, any law which the Congress passes and which is constitutional cannot be an invasion of States rights, because no State has any rights outside the framework of the Federal Constitution in respect to matters which fall within the authority of the Federal Government. I am sick and tired of listening to the argument of States rights from people who raise that hue and cry every time the Federal Government seeks to exercise its constitutional power.

I have said many times in this debate to my southern friends, "Come on, tell me what is unconstitutional about any proposal to implement the 14th and the

15th amendments. Unless you can show that some proposal violates the guarantees of the Constitution, there is no States rights argument which has any legal weight."

What is meant in many instances—I was about to say "most," and I am not so sure I would be statistically wrong if I said "most," but I will modify it to say "many"—when we think the eagle up there in that glass ceiling is about to flap his wings and fly away under the barrage of oratory about States rights which we hear on the floor of the Senate, is that the person arguing really means he thinks that as a matter of public policy the legislation being debated should not be adopted.

But that is a far different thing from the conclusion that the Senator would have us adopt; namely, that the legislation violates States rights. The legislation cannot violate States rights unless the proponent of the argument can show that the proposal is unconstitutional.

That is quite a different thing. What most of these gentlemen mean is that they think as a matter of public policy some of this proposed legislation should not be adopted. That is a reasonable argument, and I am willing to meet them on that plane, but they should eliminate from their argument, the fallacies, and the nonsequiturs they keep perpetrating in debate on the floor of the Senate, that those of us who are in favor of carrying out the 14th and 15th amendments are in fact violating States rights.

I say, most respectfully, the people of those regions of the country who take that position should make up their minds that they ought to come back into the Union, because they are outside the Union, argumentatively speaking, every time they argue that we should not give effect to the 14th and the 15th amendments.

#### FURTHER DELAY IN PROTECTING VOTE CANNOT BE EXCUSED

So I say that when we get a finding as serious as the finding set forth by the Civil Rights Commission, that one State legislature passed a law authorizing the destruction of the records of registration of voters in Federal elections, Congress had better face up to the fact that it has a solemn duty to pass the necessary Federal legislation to carry out the 14th and 15th amendments, even if it means the appointment of Federal registrars.

It seems to me that such a finding as this finding of the Commission is so serious as to require congressional consideration now, not at some possible time in the future, if ever.

This is the exercise of suffrage that the Commission is talking about. This is a right which is supposedly conferred and protected by the Constitution of the United States; yet the evidence of its denial is being systematically destroyed, and Senators say tonight, "Wait until next year, and we will look into it then."

I have become accustomed to that dilatory tactic. I have been accustomed for 15 years to know that when some group does not wish to face up to its legislative responsibilities, they argue,

"We will have time in the next session to look at it."

We know full well what that means. That is a passing-of-the-buck technique to Father Time. That is adopting the argument, "Let us postpone it. Perhaps we will be in a little stronger position later to meet the arguments of those in the Senate who are pressing for the Senate to do its duty now."

That is a duty for which we were elected. We were not elected to procrastinate. We were not elected to postpone doing our duty. We were elected to meet these problems as they arise in the Congress.

What are we waiting for? More information? Do we need to know more about what the problems of civil rights in this country is, or what is happening in the denial of full voting privileges to all our citizens?

In 1957, when I voted against the civil rights bill and took a good many spankings for doing so, one of the arguments for enacting the toothless bill was, "We are to have a Civil Rights Commission. We ought to postpone action until the Civil Rights Commission is appointed and makes its finding."

The fact is that the Civil Rights Commission has not brought forth any finding that has not been pretty well known for a long time. So I said in 1957, as the CONGRESSIONAL RECORD will show—and I paraphrase my argument—"There are files in Washington, D.C., already accumulating dust, as to what the problem is in regard to carrying out the 14th and 15th amendments, and we ought to act now."

Now we have the report, and it is again proposed that we postpone action. Come next January, February, March, April, May, or June, the same argument will be made on the floor of the Senate. I can almost give it verbatim now. Time will tell whether or not I am right.

The argument will be to this effect: "We have so many problems confronting us; we have these conventions about to take place," and so forth. I can hear, in the Democratic cloakrooms, the argument, "Let us not get into a great public washing of the problems of the Democratic Party. Let us let this matter go over until next year after election."

There is no end to the argument of the procrastinators. They win every time we yield to their dilatory tactics. We have been yielding year in and year out in the Senate. I say to the American people, "When are you going to bring your politicians to an accounting in this matter? It is about time to make clear to the politicians that you want the Constitution of the United States put into effect in this field of human liberty, involving the most precious right that free Americans have, the right to vote." It must not be denied further to any American under such conditions as the Civil Rights Commission has brought out in its report.

I remember that in 1957, when the heat was on me not to be the only northern Democrat to vote against the 1957 so-called civil rights bill, I was told, "We are going to have a special person named



in the Department of Justice to handle civil rights cases."

Now we have him. But I said then, and I repeat tonight, that that was window dressing, because under the Constitution of the United States it is the duty of the Attorney General anyway to protect Americans in respect to their constitutional rights.

When I was in the Department of Justice it was the Criminal Division of the Department of Justice that handled such cases. We did not need, as justification or rationalization for the 1957 law, to insert a provision that someone in the Department of Justice should be designated to handle civil rights cases. It was a responsibility which fell to the Attorney General of the United States anyway.

I was not greatly moved by that argument. I said to my colleagues then, "I will vote for your bill when you put title III back in it." Title III was the section which really provided some teeth in the matter of backing up the Congress in protecting the constitutional rights of American citizens, irrespective of race, color, or creed.

At this session of Congress I have been proud again to join my colleagues in urging the passage of legislation which would provide, in effect, title III of the 1957 bill, which was stricken out as part of a compromise in order to have any bill passed in 1957. I said then, and I repeat tonight, that there are points beyond which we cannot go in the matter of legislative compromise if we are to protect the rights of the American people in respect to their constitutional privileges. We are face to face with the same issue again tonight. I do not agree with this compromise.

#### AMERICAN RACIAL POLICIES HURT STANDING ABROAD

I do not believe that we should postpone action further. But I know that that is what will happen. I know that my fight tonight urging action before we adjourn will be snowed under. It will not be the first time I have had a "snow" job done on me. But I do not freeze easily, either. I shall continue to fight.

As a member of the Foreign Relations Committee of the U.S. Senate I know that in making a civil rights fight in the Senate, I am fighting to settle an issue that will have to be settled—and, in my judgment, without very much more delay—if we are not to lose further our standing and prestige in those parts of the world where the fight for freedom will have to be won in the next half century if America is to survive.

Let us not forget that the color of the skins of many millions of people in those countries—many times greater than the total population of the United States—is not white. It is black and yellow and red, brown and various tinges thereof.

Mr. President, the failure of the people of the United States through their Congress to face the civil rights issue and protect fellow citizens in this country irrespective of the color of their skin is doing us tremendous damage in the

field of American foreign relations. These people in these parts of the world, whom we must win over to the side of freedom, are growing a little weary of the lack of progress in America in respect to our professions about human dignity, human rights, and individual liberty.

They know we cannot square those professions in some respects with our record. We cannot do it in the field of civil rights, and yet I know all the progress we have made in this field and I am proud of the progress we have made. The fact is, Mr. President, they are not going to buy any longer the rationalization of spokesmen for the United States who say, "But we are getting better," because they are saying right back into our teeth, "Oh, but we thought you proclaimed that in the United States there is uniformity of liberty, there is uniformity of legal rights, there is equality of justice."

If anyone questions my statement, let him attend these international conferences, as I have, and listen to these spokesmen of the people from many of the so-called colored countries of the world make their devastating criticisms of the United States because of our failure to date to square our professions with our practices in the field of civil rights.

#### FAILURE OF STATE REGISTRATION OF NEGROES

Evasion of registration responsibilities is dealt with in the Commission's recommendation No. 3. It found:

The lack of an affirmative duty to constitute boards of registrars, or failure to discharge or enforce such duty under State law, and the failure of such boards to function on particular occasion or for long periods of time as to make it impossible for most citizens to register, are devices by which the right to vote is denied to citizens of the United States by reason of their race or color. It further finds that such failure to act is arbitrary, capricious, and without legal cause or justification.

The Commission recommends, therefore, an amendment to the Civil Rights Act which shall read:

Nor shall any person or group of persons, under color of State law, arbitrarily and without legal justification or cause, act, or being under duty to act, fail to act, in such manner as to deprive or threaten to deprive any individual or group of individuals of the opportunity to register, vote and have that vote counted for any candidate for the office of President, Vice President, presidential elector, member of the Senate, or Member of the House of Representatives, Delegate, or Commissioner for the Territories or possessions, at any general, special or primary election held solely or in part for the purpose of selecting or electing any such candidate.

Specifically, the Commission found that in counties where it conducted its investigation, boards of registrars did not function as boards to register Negroes on scheduled dates for registration. It also cited occasions when one or more members of the boards, enough to preclude the existence of the majority required for registration, resigned their posts; yet State officials having the responsibility to appoint new members delayed doing so although the registration

boards had become inoperative for lack of a majority.

#### FEDERAL REGISTRARS NEEDED IN MANY STATES

It was because of all these practices and all these instances of evasion of duty on the part of State officials that the Commission made its recommendation for the use of Federal registrars as a last resort.

It is a simple but basic finding of this Commission that at the writing of its report, "no one had yet been registered through the civil remedies of the 1957 act," although one suit is pending and another which was dismissed is on appeal. A third suit was dropped.

Oh, how well I remember that fateful night here in the Senate when the great urging was upon us that we ought to pass the 1957 act because it dealt with this matter of a special assistant in the Department of Justice.

The RECORD will show that I warned at that time that I did not think that was enough to justify a vote for that bill, and here the Commission itself points out that practically nothing has been accomplished in this field in connection with the problem of getting colored people registered. I point out that as far as bringing legal action is concerned, one suit was dropped, another is pending, and another which was dismissed is on appeal. Some record!

Let me say to my friends in the Senate that that is what we can expect when we pass a toothless bill.

The report continues:

Class suits on behalf of a number of Negroes to obtain registration have rarely been successful. The courts have inclined to the view that these suits are of an individual nature, with the result that a vast number of suits may be necessary.

The delays inherent in litigation, and the real possibility that in the end litigation will prove fruitless because the registrars have resigned make necessary further remedial action by Congress if many qualified citizens are not to be denied their constitutional right to vote in the 1960 elections.

#### NINETEEN HUNDRED AND FIFTY-SEVEN ACT HAS NOT PROTECTED VOTE

In making the recommendation that Federal registrars be used where the State officials do not carry out their functions, the Commission cites a finding which strikes a chord that takes me back to 1957, when I cast my vote against the Civil Rights Act of 1957 on final passage.

I cast that vote because I believed the Civil Rights Act of 1957 would not advance the right to vote, and the fact of its passage would be used to prevent the enactment of legislation which really would advance the right to vote and to have one's vote counted.

Two years later, the Commission finds that no one has yet been registered through the civil remedies of the 1957 act. And it further finds:

Substantial numbers of citizens qualified to vote under State registration and election laws are being denied the right to register, and thus the right to vote, by reason of their race or color. It finds that the existing remedies under the Civil Rights Act of 1957 are insufficient to secure and protect the right to vote of such citizens.



Well, I am sorry that it took 2 years more of study by this Commission to find out that what I tried to tell the Senate 2 years ago was true, and which, I am satisfied, everyone knew was true. Maybe they will believe it when they hear it from this Commission when they would not believe it from the senior Senator from Oregon, and perhaps that is some accomplishment.

But we have wasted 2 precious years. For 2 more years, no one has been able to vote who did not vote in 1957.

I do not mean to dismiss or belittle the work and the recommendations of the Commission. I salute its members, and recommend their report as required reading for every American who is interested in the exercise of the rights and privileges of citizenship.

But if these 2 years are to mean anything, if the establishment of the Commission meant anything, if its work is to result in any progress at all, let us consider its recommendations now.

Let us have committee hearings in the next few weeks on the proposal for the use of Federal officials to register prospective voters when the President receives a request for them, in the form of sworn affidavits from citizens unable to register with State officials. Let us take up legislation this fall to provide for such a procedure.

I submit that if we put it off until next year, even if we do enact this provision in the face of a political struggle enhanced by the impending presidential election, which is highly unlikely, there will not be sufficient time before November for anyone to make use of it.

Before this Federal machinery can be invoked, the applicants must first have been denied the opportunity to register with State officials. After that, they must file sworn affidavits with the President that they have unsuccessfully attempted to register, and have been denied the right to register because of their race or color.

After that, the Civil Rights Commission must investigate the validity of the allegation.

Those found to be well taken are then certified to the President, for reference to such registrars as he may appoint in the community. These Federal registrars would be Federal officials already engaged in a Federal activity, such as postmasters, Federal court officers, Federal marshals, and the like.

Such officers already have their full-time duties. To set up a registration procedure is not something they could accomplish overnight. They would be charged with administering the State voting laws and applying them to applicants. To do that, they would have to familiarize themselves with the law and with its application, presumably while still carrying out their regular duties.

Obviously, this is a time-consuming procedure. I think it is probably a sound one, but it is not one that can be enacted in February or March, and enable people who have been denied the ballot for all their adult lives to cast their ballots for President in November of the same year.

#### RECOMMENDATIONS IN THE FIELD OF EDUCATION

I turn now to the work of the Civil Rights Commission in the field of desegregation in the public schools. In this area, the Commission found the need for some kind of assistance to the States to help them work out orderly compliance with desegregation orders. Its first recommendation was that the Commission itself be empowered by law to serve as a clearinghouse to collect and make available to States and local communities information concerning programs and procedures used by school districts to comply with the Supreme Court mandate either voluntarily or by court order, including data as to the known effects of the programs on the quality of education and the cost thereof.

In support of this recommendation, the Commission cited the finding that many school districts have had no established and qualified source to turn to for information and advice on the evolution of a desegregation plan. Some school districts, and in fact some States, have worked out remarkably effective desegregation plans. Such information should be available to others who may ask for it, and the Commission suggests that it be permitted to collect and distribute such information.

Second, the Commission urges that there be created as one of its arms an advisory and conciliation service to assist local school officials directly in the development of desegregation plans; and to mediate upon request, disputes as to proposed plans and their implementation.

Something of this kind is already in legislative form in the bill introduced last year and again this year by the Senator from Illinois [Mr. DOUGLAS]. I am glad to be a cosponsor of that bill, S. 810.

Our bill assigns these functions to the Department of Health, Education, and Welfare. In either case, if there is to be anything on the statute books to ease the strain of desegregation by next fall, I think it should be enacted this fall.

#### FINDINGS ON HOUSING DISCRIMINATION

This is by no means an exhaustive recital of the findings and recommendations of the Civil Rights Commission. In the field of housing it finds extreme conditions of discrimination in most of the major cities of the North.

I have always taken the position that the North needs to put its civil rights house in order, too, because I think it is just as bad to have any discrimination with respect to any civil rights in the North or anywhere else in the country north of the Mason-Dixon line as it is south of the Mason-Dixon line.

Its recommendations are directed to municipal and State governments, and to executive agencies rather than to Congress, for the removal of racial codes and restrictions upon occupancy of public or publicly assisted housing.

I do note with some pride that as its first finding in its chapter headed "City and State Laws, Policies, and Programs," the Commission states:

In New York City, as in Pittsburgh and in four States—Colorado, Connecticut, Massa-

chusetts, and Oregon—there are far-reaching laws against discrimination in the sale or rental of multiunit private housing, and all publicly assisted housing.

But the bulk of the report deals with what remains to be done, and it is a big job.

In short, it seems indisputable to me that the findings and recommendations of the Commission in the areas of voting in particular, but also in education, are important enough for Congress to consider this year. To delay until next year is to throw civil rights protections into the maw of a Presidential election, where the chances for constructive and dispassionate action are slim indeed.

As I have indicated, it had occurred to me in extending the life of the Commission for 2 years, it would also be appropriate to offer as amendments to the appropriation bill, amendments embodying the recommendations of the Commission.

I decided against that because the senior Senator from Oregon has long championed the procedure of giving Senate committees an opportunity to consider and act upon a proposal and to advise the Senate about it. Of course, not all of these Commission proposals are new. Several are already in legislative form and have been pending before Senate committees since early in the session. I have not offered them as amendments because I think the proper course for Congress is to remain in session and consider them as the regular order of business. The subject matter justifies it.

#### INFORMATION ON DESEGREGATION SHOULD BE AVAILABLE

However, there is one Commission recommendation which I believe is of a nature which can properly be considered at this time, in connection with the extension of the life of the Commission. It is the request of the Commission for authority to collect and make available to States and local communities information concerning programs and procedures used by school districts to comply with the Supreme Court mandate on desegregation.

It would seem to me that the Commission would have this authority without further legislation. But apparently it feels it does not, or it would not have recommended legislation giving it this power.

There is no substantive power involved in this proposal. It is authorization for the Commission to collect and make available information on how various school districts have sought to comply with court orders.

If the Commission is to be in existence for 2 more years, it only makes sense to permit it to share with communities struggling with desegregation problems the solutions which other communities have found to the same problems.

Although the Commission proposed language making such a function mandatory, I thought for a time I would propose my amendment to make it permissive. There is nothing secret about the



information now. The school district which really goes to the effort can probably learn a lot about desegregation plans which have worked out well in other communities.

In fact, as a member of the Committee on the District of Columbia, I am very proud of the great piece of work which has been done by the school authorities and by the District of Columbia governmental authorities in respect of the matter of desegregation in the District of Columbia schools.

A good many local school districts could obtain valuable information from the procedures which have been followed in the District of Columbia. And, Mr. President, if the Commission is to be in existence, it seems to me it should be permitted to systematize this type of information and supply it to the school districts which ask for it.

Therefore, it was my plan to offer the amendment which is identified as amendment "F," and is now at the desk. That amendment, if adopted and enacted into law, would have made specific provision, by this Congress, of this authority for the Civil Rights Commission.

But I wish to inform the Senate, for the record, what has happened in regard to that plan of mine.

First, as I said a few moments ago, I prefer to have the Senate pass proposed legislation on any substantive matter, by first having it reported from a committee, unless we find that the course of action followed by the committee is such as to justify the making of a motion to discharge the committee from the further consideration of the bill.

If I were to offer the amendment as a rider, so to speak, on this appropriation bill, I would be confronted with a parliamentary situation which I wish to state frankly to the Senate. In that event, the amendment would be subject to a question of germaneness; and, under the Senate rule, that question is to be put to the Senate for a vote; it cannot be decided by the Presiding Officer. Of course I know very well, as a parliamentary realist, what would happen to that amendment of mine tonight.

My proposal is a sound one. But, Mr. President, although I could make a record on the amendment, I am not interested in form; I am interested in substance. I do not have to make any further record, in addition to the one I have made over the years, as to the merits of the case or my position on civil rights; they are fairly well known, both in this body and elsewhere in the Nation.

Furthermore, I would not like to offer my amendment and then have it defeated—as I am sure it would be—on a technicality as to whether it was germane to the Hayden amendment, because that would give all Senators who voted against the amendment an "out." I do not propose to give my colleagues any "outs" in connection with this matter; instead, I intend to hold them to the grindstone, so to speak; I prefer to follow a course which eventually will enable me to have the amendment voted on on its merits and its substance.

So I have decided not offer the amendment tonight, because to offer it tonight would be just an empty gesture and a matter of form; and I will not proceed on that basis.

Therefore, I now serve notice on the majority leader and on my other colleagues in the Senate that I shall not offer, by way of a motion to suspend the rule, the two amendments I filed on Saturday night—and for the same reason.

#### COMMISSION PROPOSALS IN LEGISLATIVE FORM

But I shall now ask unanimous consent to introduce—and then I shall be through, I say to the Senator from Arizona—a series of bills, for appropriate reference, so they will be before the Senate when it reconvenes, in the early part of October or November, in a special session. I think there is a probability that the Senate may so reconvene. I have in my intuitive bones the feeling or the "hunch" that the Senate may return in session in October or November. I hope that happens, because let us not forget that if the Senate does reconvene in special session, its proceedings during the special session cannot be limited to any specific piece of proposed legislation. The President may reconvene Congress for a particular purpose; but once the Congress reconvenes in special session, the legislative sky will be the limit, if the Members of Congress wish to assume their responsibilities.

So I desire to introduce these bills; but before I introduce them, I wish to read into the RECORD two telegrams.

The first telegram comes from Monroe Sweetland, of Milwaukie, Oreg.; David Robinson, of Portland, Oreg.; and R. Joe Beereman, of Eugene, Oreg.; and their telegram reads as follows:

PORTLAND, OREG.,

Senator WAYNE L. MORSE,  
Senate Office, Washington, D.C.:

On behalf Oregon Advisory Committee, U.S. Civil Rights Commission, meeting Portland yesterday we transmit urgent appeal to support strongly recommendations for renewal of Commission authority. We especially urge this so studies now underway be continued and legal actions already instituted be pursued, to the end of protecting civil rights of Oregon citizens wherever they go in United States, and to upgrade rapidly the uniform enjoyment of civil rights of all Americans.

MONROE SWEETLAND,  
Milwaukie, Oreg.  
DAVID ROBINSON,  
Portland, Oreg.  
R. JOE BEEREMAN,  
Eugene, Oreg.

The second telegram which I have received comes from Harry Ward, president of the National Association for the Advancement of Colored People, in Portland, Oreg., and his telegram reads as follows:

PORTLAND, OREG., September 12, 1959.  
Senator WAYNE L. MORSE,  
Senate Office Building,  
Washington, D.C.:

If at all possible we hope you will make every endeavor to extend the tenure of the Civil Rights Commission for at least 2 years before the adjournment of the present Congress.

HARRY WARD,  
President, National Association for the  
Advancement of Colored People.

Mr. President, I ask unanimous consent to introduce at this time a series of bills which effectuate most of the legislative recommendations of the Civil Rights Commission, which constitute a program which I believe the Congress should remain in session to consider. I ask unanimous consent that the bills be appropriately referred, and be printed in the RECORD as part of my remarks on the civil rights issue which I have discussed during the last few minutes.

The first bill would permit citizens who are denied the right to vote in Federal elections on account of their race, religion, color, or national origin to be registered to vote in such elections by a Federal registrar.

The PRESIDING OFFICER. Without objection, the bill will be received, appropriately referred, and will be printed in the RECORD.

The bill (S. 2719) to permit citizens who are denied the right to vote in Federal elections on account of their race, religion, color, or national origin to be registered to vote in such elections by a Federal Registrar, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Elections Voting Rights Act".

#### SEC. 2. For the purposes of this Act—

(a) The term "Federal election" means any general or special election held solely or partially for the purpose of electing any individual to, or any primary election held solely or partially for the purpose of selecting any individual as a candidate or nominee for, any of the following Federal offices:

- (1) The office of President or Vice President of the United States;
- (2) The office of elector for President or Vice President of the United States;
- (3) The office of Member of the United States Senate;
- (4) The office of Member of the House of Representatives of the United States; or
- (5) The office of Delegate or Commissioner of any territory or possession of the United States representing such territory or possession in the House of Representatives of the United States.

(b) The term "registration district" means a county, parish, district, or other political subdivision of a State which, under State law, is authorized to provide for the registration or qualification of voters living within such county, parish, district, or other political subdivision.

#### SEC. 3. Any individual who—

- (1) believes that he is qualified, under the laws of the State in which he lives, to vote in Federal elections held in such State;
- (2) within one year before the date of filing a petition under this section, has been denied the right to register to vote in such elections after having attempted to do so in the manner and at the time and place provided for by the laws of such State; and
- (3) believes that the sole reason he was denied such right was because of his race, religion, color, or national origin,

may file a sworn statement with the President of the United States alleging that he has been denied the right to vote in such elections solely because of his race, religion, color, or national origin and petitioning the President to appoint a temporary Federal registrar for his registration district. Such sworn



statement shall be filed in such form and manner as the President may by regulations prescribe and shall contain a detailed account of the facts upon which the allegations contained therein are based.

SEC. 4. Whenever there shall, within a period of not more than one year, have been filed with the President not less than nine petitions under section 3 by individuals from the same registration district, the President shall refer such petitions to the Commission on Civil Rights (hereinafter referred to as the "Commission").

(b) The Commission shall conduct an investigation with respect to any such petitions referred to it for the purpose of determining whether or not the allegations contained in such petitions are true. If the Commission, on the basis of its investigation of such allegations, determines that citizens of the United States living in the registration district of the petitioners are being deprived of the right to vote in Federal elections solely because of their race, religion, color, or national origin, the Commission shall certify that fact to the President. The Commission shall also certify to the President and to any temporary Federal registrar who may be appointed for such district the names of any petitioner living in such district whom the Commission believes to be entitled, under the laws of the State in which such district is situated, to vote in Federal elections held in such State.

(c) Upon receipt of a certification from the Commission under subsection (b) with respect to any registration district, the President shall appoint, from among Federal officers or employees living in or near such district, an individual to serve as a temporary Federal registrar for such district. Any such Federal registrar shall serve until such time as the President determines that citizens living within the registration district for which such registrar was appointed are no longer being denied the right to vote in Federal elections solely because of their race, religion, color, or national origin.

SEC. 5. The Federal registrar for any registration district shall accept vote registration applications from all individuals living within such district who allege that they are being denied the right to register to vote in such district solely because of their race, religion, color, or national origin. All applicants whom the Federal registrar finds to have the qualifications requisite, under the laws of the State wherein such district is situated, for electors of the most numerous branch of the legislature of such State shall be registered by him as being qualified to vote in Federal elections held in such district, and the Federal registrar shall certify to the appropriate elections officials of such State the name of all applicants registered by him and the fact that such applicants have been so registered.

SEC. 6. Any individual who is registered under this act by a Federal registrar to vote in Federal elections shall have the right to cast his vote and have such vote counted in any Federal election, and any election official who willfully denies him such right shall be fined not more than \$\_\_\_\_\_ and imprisoned for not longer than \_\_\_\_\_, or both.

SEC. 7. Section 104 (b) of the Civil Rights Act of 1957 is amended by striking out "two years from the date of the enactment of this act" and inserting in lieu thereof "\_\_\_\_\_."

Mr. MORSE. Mr. President, my second bill would authorize the Commission on Civil Rights to collect information concerning programs and procedures used to effectuate desegregation of public schools and to make such information available to the States and political subdivisions thereof, and to render ad-

visory and conciliation services to assist the States and political subdivisions thereof.

I introduce that bill, and make the same request in connection with it.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2720) to authorize the Commission on Civil Rights to collect information concerning programs and procedures used to effectuate desegregation of public schools and to make such information available to the States and political subdivisions thereof, and to render advisory and conciliation services to assist the States and political subdivisions thereof, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That part I of the Civil Rights Act of 1957 is amended by inserting after section 104 the following new section:

"ADDITIONAL DUTIES OF THE COMMISSION

"SEC. 104a. (a) The Commission is authorized to collect information concerning programs and procedures used by the various States and political subdivisions thereof to comply, voluntarily or pursuant to orders of the courts, with the decisions of the Supreme Court of the United States with respect to desegregation in public education. Such information shall include data as to the known effect of such programs on the quality of education in the State or political subdivision concerned and the cost of such programs. Upon the request of any State or political subdivision thereof, the Commission shall make available to such State or subdivision the information and data collected by it pursuant to this subsection.

"(b) The Commission is authorized to establish an advisory and conciliation service—

"(1) to assist the States and political subdivisions thereof to develop plans which will meet the requirements of the decisions of the Supreme Court of the United States with respect to desegregation in public education and which, at the same time, take into consideration local conditions and problems; and

"(2) upon the request of any State or political subdivision thereof, to mediate and conciliate disputes as to proposed plans for compliance by the State or subdivision with the decisions of the Supreme Court with respect to desegregation in public education, and methods for implementation of such plans."

Mr. MORSE. Mr. President, my third bill will effectuate the statements I have made in the course of my speech—namely, it will amend the Civil Rights Act of 1957 so as to protect the rights of individuals to register and vote in national elections.

I introduce the bill, and make the same request in regard to it.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2721) to amend the Civil Rights Act of 1957 so as to protect the rights of individuals to register and vote in national elections, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the

Judiciary, and ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That part IV of the Civil Rights Act of 1957 (42 U.S.C. 1971) is amended by inserting the following paragraph after the first paragraph in section 1971(b):

"Nor shall any person or group of persons, under color of State law, arbitrarily and without legal justification or cause, act, or being under duty to act, fail to act, in such manner as to deprive or threaten to deprive any individual or group of individuals of the opportunity to register, vote and have that vote counted for any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegate or Commissioner for the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate."

Mr. MORSE. Mr. President, my last bill provides for the preservation of all registration and voting records for a period of 5 years after the making thereof.

I introduce that bill, and make the same request.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2722) to provide for the preservation of all registration and voting records for a period of 5 years after the making thereof, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every officer of election shall retain and preserve, for a period of five years from the date of any general, special, or primary election at which candidates for public office are voted for or selected, all records and papers which come into his possession relating to any application, registration, payment of poll tax or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that if a State designates a custodian to retain and preserve such records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

SEC. 2. Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by the first section of this Act to be retained and preserved shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

SEC. 3. Any record or paper required to be retained and preserved by this Act shall, during the time it is so required to be retained and preserved, be available to public inspection, but only in such manner and to such extent as not to violate the secrecy of the ballot of any individual.

SEC. 4. As used in this Act, the term "officer of election" means any person who, under color of any Federal, State, territorial, or local law, statute, ordinance, regulation,



authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which candidates for public office are voted for or selected.

Mr. MORSE. Mr. President, as I am about to close, I wish to make the RECORD perfectly clear that the bills I have just now introduced do not represent the totality of the proposed legislation which I believe should be passed before we adjourn, or passed while we are in a special session; or, if we can do no better, passed early in the next session. I also stand on all the civil rights bills which have been introduced, of which I am a cosponsor, or—in case I may not be a cosponsor of any one—in regard to which I have announced my support.

I think we must come to grips at the earliest possible moment with this matter of giving legal effect to the 14th and 15th amendments, to the constitutional guarantees of which I have addressed myself in this speech.

Mr. ENGLE. Mr. President, I am convinced that no additional argument will change very many votes here in the U.S. Senate with reference to this important matter which is now pending, but I do not want the RECORD closed without my own statement with respect to the issue currently before the Senate, and I ask unanimous consent to insert at this point in the RECORD, my remarks with respect to the current pending legislation and the situation generally with respect to civil rights.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### STATEMENT BY SENATOR ENGLE ON CIVIL RIGHTS

It is with deep regret that I am forced to accept the conclusion that significant civil rights legislation cannot be enacted in this session of the Congress guaranteeing to the people of this country their constitutional rights without regard to race, creed, or color.

It is unfortunate that this civil rights issue was not brought at an earlier date to the floor of either the House or the Senate. In saying that, I do not disparage the efforts of those who struggled to get that done. I have in mind particularly the efforts of the senior Senator from Missouri [Mr. HENNINGS], who heads up the Subcommittee on Constitutional Rights, which held long and detailed hearings on the subject of civil rights. That subcommittee reported a two-part bill to the Senate Judiciary Committee, but no bill was ever reported from the full committee. As a consequence, the Senator from Missouri tried other methods and other procedures to submit a comprehensive proposal to the Senate, and those efforts also failed. I have in mind also Congressman CELLER, of New York, who finally got a bill out of the Judiciary Committee of the House. This bill languishes in the House Rules Committee. It shows no chance of moving. A discharge petition on the desk of the Speaker has obtained less than half the number of signatures required to discharge the Rules Committee from further consideration of the measure. By this process weeks and months have elapsed and we have not been able to make the kind of progress we want to make toward a meaningful civil rights proposal.

I assume now that the only course left for us is to extend the life of the Civil Rights Commission, with a firm commitment that

early in the next session—and I mean early—action will be taken on civil rights. A possible advantage will be the time allowed to give full study to the recent report by the Civil Rights Commission. This document reveals some deplorable conditions in the United States, and they are not limited to the Southern States.

I feel that a Democratic Congress will be remiss in its duty if, having extended the life of the Civil Rights Commission, we do not at the earliest possible date take up the report of that Commission and enact adequate and substantive legislation to guarantee civil rights to all the people of this country.

The 14th amendment to our Constitution states that "no State shall deny to any person within its jurisdiction the equal protection of the laws." In too many areas of this country neither the letter nor the spirit of this provision of the Constitution is being observed. Now is the time to shorten the gap between our pretensions and our performances in the field of civil rights. We will be guilty of grave dereliction if we default on legislation urgently needed to buttress the plain language of the Constitution of the United States.

#### VOTING RECORD IN THE SENATE OF SENATOR BYRD OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, in the Biblical parable of the pounds, a certain nobleman went into a far country to receive for himself a kingdom. Before departing he left his money in the keeping of his servants. Upon his return the nobleman demanded an account of stewardship from those who had received the pounds and we are familiar with the rewards and punishments that were accorded on the basis of the services rendered.

As I approach the end of my first year in the U.S. Senate, I feel it incumbent upon me to give an account of my legislative stewardship. This will complete my 13th year as a public servant, having been elected twice to the West Virginia House of Delegates, once to the West Virginia Senate and three times to the U.S. House of Representatives. My statement must, of necessity, not be overly long. It will, however, report my position on various subjects and issues in a way that my people will have an understanding of the way I have voted and of my philosophy of representative government.

#### ATTENDANCE ON ROLL AND QUORUM CALLS

I pride myself upon having a good attendance record throughout my 13 years of service to the people of West Virginia, and I believe it to be appropriate for me to report my attendance record throughout all of these years. During my 6 years in the West Virginia House and Senate, I attended 1,563 out of 1,600 roll and quorum calls. During my 6 years in the House of Representatives I attended 862 out of 963 roll and quorum calls. During my first year in the U.S. Senate, I have attended 211 out of 216 rollcalls, which is an attendance record of 97.6 percent on rollcalls, and I have an attendance record of 100 percent on quorum calls.

#### CORRESPONDENCE

I am proud of the reputation that I have made in rendering personal atten-

tion to the correspondence received in my office. During my 7 years in Congress, I have read every letter that has gone out of my office in reply to correspondence received. This has required a tremendous amount of time on my part, but I have always felt that I should give my personal attention, insofar as it is possible, to the personal problems of my constituents. No problem has been too unimportant to receive my attention, and no correspondent, however old or young, however great or small, has ever found me inattentive to his or her correspondence. I have accorded the same genuine interest to the correspondence of the schoolchild as I have accorded to the correspondence of the executive. I have spent countless laborious hours in trying to be of service to my constituents in their personal problems, and I have attempted at all times to be courteous, sympathetic, and understanding.

#### AID TO DEPRESSED AREAS

In view of the unemployment and economic distress prevalent in many parts of my State, I have devoted much effort in behalf of so-called aid to depressed areas legislation. I cosponsored S. 722, the area redevelopment bill, which provided for the stimulation of new industry in stricken regions. As a member of the Subcommittee on Industrial Production and Stabilization of the Banking and Currency Committee, I was authorized to conduct 3 days of public hearings in West Virginia. The hearings were held at Charleston, Beckley, and Morgantown, and the ample evidence received was used subsequently in several arguments for the passage of the area redevelopment bill. Senator RANDOLPH did much fine work on the bill, and I was pleased that the bill finally passed the Senate. I am disappointed that the House of Representatives has not taken action thereon. However, the House may yet act in the next session of Congress.

#### COAL RESEARCH

Realizing that the recent and continuing unemployment in West Virginia has largely been due to depressed conditions in the coal industry, I joined in cosponsoring the Coal Research and Development Act of 1959. I believe that a program of well-organized and intensive research might greatly stimulate the coal industry through the discovery of many new uses for coal, and the creation of new coal markets. This bill has passed both Houses of Congress, and it would create a new, independent three-member agency, the Coal Research and Development Commission.

As another approach to aid the coal industry and the thousands of West Virginians dependent upon it, I worked during my 6 years in the House of Representatives to impose mandatory restrictions upon the flood of imported cheap residual fuel oil which was pouring into America and competing against our domestic coal. Together with my colleague, Senator RANDOLPH, and other members of the West Virginia congressional delegation, I continued these efforts here in the Senate. We sought audiences before several high adminis-



ration officials in order to plead for enforced curbs on the oil. We had conferences with the Director of the Office of Civil and Defense Mobilization; the Under Secretary of State; the Acting Secretary of Commerce; officials of the Interior Department; the Deputy Secretary of Defense, and, finally, Senator RANDOLPH and I went direct to the President at the White House. Shortly after our talk with President Eisenhower, the administration established mandatory controls on imports of foreign oil. The entire West Virginia delegation deserves high commendation for its exemplary work which led to this successful conclusion.

## FORESTRY

Feeling that increased forestry work would provide wholesome jobs for the unemployed, and would, at the same time, yield the myriad of benefits that come with improved forest lands, I have worked, during this session, toward several goals in forestry. I joined in cosponsoring the Youth Conservation Corps bill, believing that putting unemployed young men to work in the forests would be an ideal way to insure our country of better and more productive citizens and would, at the same time, control and preserve our timberlands, watercourses, recreation areas, watersheds, and valuable woodland topsoil. My colleague, Senator RANDOLPH, is due tremendous credit for his great work on this bill. I believe that its passage by the Senate can be attributed, in large measure, to his work. I also cosponsored the National Wilderness Preservation Act, to help achieve similar ends.

As a member of the Senate Appropriations Committee, I worked in the committee to include moneys for a national forest program with special emphasis to be given to regions of high unemployment. I am very proud of this program which has been initiated by my committee, believing that it will inure to the conservation and upbuilding of our forest, soil, and water resources. I intend to work for an enlargement of this program because it will provide wholesome employment for many persons, and it will improve the economy and inure to the better security of our country.

## SOCIAL SECURITY AGE

As I have done for several years, I introduced again this year a bill to lower the voluntary social security retirement age from 65 to 60 for both men and women. The bill which I introduced would not make retirement mandatory, but it would merely give persons the option of retiring at 60, if they desire to do so. I believe that the enactment of such legislation would provide additional employment opportunities for some of our younger citizens. The Congress gave only limited study, during this session, to proposals to amend the Social Security Act, and there is considerable opposition to the idea of lowering the eligibility age. Inasmuch as a lowered age requirement would result in an increased payroll tax, action on such legislation would normally be initiated by the Ways and Means Committee in the House of

Representatives. I shall continue to be interested in an improvement of this program.

## EDUCATION

In the field of education I have given my support to Federal aid for school construction so as to eliminate the growing shortage of classrooms. I am firmly convinced that an adequate education of the Nation's youth is absolutely vital to the security of our country. I maintain that there must be local control of the educational system, but, where the States are unable or unwilling to provide proper facilities for the training of our boys and girls, I submit that the Federal Government should take proper steps to see that the need is attended to.

I joined in cosponsoring a bill to provide Federal aid to the States for school construction and teacher salaries. This bill would have given West Virginia, as its portion of aid, a total of nearly \$130 million dollars in Federal funds during the next 4 years, thus creating many new school construction jobs in West Virginia. The bill has not been enacted in this session.

## PLANT STIMULATION

During this session I cosponsored a bill which would stimulate the construction of industrial plants in depressed areas, by waiving corporate income taxes for up to 5 years for firms employing more than 200 persons and locating in such regions of high unemployment. The bill has thus far failed to gain congressional approval.

## ARMORIES

In previous Congresses I have worked with others in my delegation to have armory projects authorized for Beckley, East Rainelle, Fairmont, Ripley, Weirton, Keyser, Princeton, Ronceverte, Buckhannon, Logan, Gassaway, Weston, and Clarksburg. This year, several of the projects were included in the President's budgetary requests. I was successful during the consideration of the military construction bill by the Senate Appropriations Committee, in getting moneys, over and above the budget estimate, to permit construction of the Logan, Gassaway, Weston, and Clarksburg armories. This was significant in view of the fact that, out of the 86 additional projects in 30 States made possible by an appropriation above the budget estimate, 4 of the additional armories are to be built in West Virginia. With the passage of the military construction bill by the Congress, funds now have been provided for all of the pending West Virginia armory projects.

## PUBLIC WORKS PROJECTS

In the Senate Appropriations Committee, I sought to include certain West Virginia flood prevention projects in the 1959 supplemental appropriation bill. I was unable to get this done, but I worked to include many important West Virginia projects in the 1960 public works appropriation bill. The bill was vetoed by the President, but the Congress enacted, over his veto, a second bill which includes the following projects and moneys for West Virginia:

Public Works Appropriation Act of 1960—  
West Virginia projects

## Surveys:

|                   |          |
|-------------------|----------|
| Buckhannon River  | \$21,937 |
| Cheat River       | 34,125   |
| Deckers Creek     | 14,623   |
| Twelve Pole Creek | 9,750    |

## Construction and planning:

|                                       |           |
|---------------------------------------|-----------|
| Belleville lock and dam               | 121,875   |
| Dam 8, Pennsylvania and West Virginia | 706,875   |
| East Rainelle                         | 487,500   |
| Hildebrand lock and dam               | 1,246,050 |
| New Cumberland lock and dam           | 6,630,000 |
| Pike Island lock and dam              | 3,414,500 |
| Princeton                             | 487,500   |
| Summersville Reservoir                | 1,950,000 |
| Sutton Reservoir                      | 3,311,575 |
| Williamson                            | 69,225    |

## Maintenance:

|                                     |         |
|-------------------------------------|---------|
| Bluestone Reservoir                 | 89,700  |
| E'kins                              | 6,825   |
| Kanawha River                       | 493,350 |
| Lock and dam No. 3, Big Sandy River | 42,750  |
| Sutton Reservoir                    | 34,125  |
| Tygart River Dam                    | 54,600  |

## AIRPORTS

Believing that air transportation is especially important to West Virginia, where our rugged terrain is, to some degree, an impediment to surface transportation, I joined in cosponsoring a bill to expand the Federal program of assistance to airports. I also worked within the Appropriations Committee to secure funds for five West Virginia airport and air navigation facilities. The moneys were for the operation of a control tower at Tri-State Airport at Huntington, approach light systems at Charleston and Wheeling, and short-range navigation facilities in Pendleton and Pocahontas Counties.

## FOREIGN AFFAIRS

In regard to America's foreign aid program, I voted against the bill to authorize an expenditure of \$3,543,320,000 during fiscal 1960. When the foreign aid appropriation bill was being considered in my committee, I offered two amendments, one to cut the appropriation by \$150 million, and the other to reduce the appropriation by \$50 million. On the floor, I supported amendments to further reduce the amount. I voted for the mutual security appropriation bill this year because the Congress had held the line against administration pressures, as I have been advocating. The Senate appropriation bill was \$1,148,182,000 under the President's request for the mutual security program, and it was \$261,507,000 under the previously passed authorization bill. The mutual security bill also carried additional supplemental appropriations for the Office of Civil and Defense Mobilization, the Department of Commerce, the Coast Guard, the Commission on Civil Rights, the Federal Aviation Agency, and it provided moneys for the employment of 100 additional policemen in the District of Columbia.

Although not a member of the Senate Foreign Relations Committee, I expressed myself upon several occasions in regard to various aspects of America's foreign policy. I urged a more cautious and firm attitude in our dealings with Communist countries, and a more frugal, less paternalistic attitude in our deal-



| Vote No. | Subject                                                                                                                                         | Voted |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 188      | Adoption of conference report on Labor-Management Reporting and Disclosure Act of 1959.....                                                     | Yea.  |
| 189      | Motion to override Presidential veto of housing bill.....                                                                                       | Yea.  |
| 190      | Amendment providing for a 3-year extension for title I and title II of Public Law 480.....                                                      | Yea.  |
| 191      | Amendment to provide \$1,500,000,000 annually for title I loans.....                                                                            | Nay.  |
| 192      | Amendment authorizing storage of surplus foods in foreign countries.....                                                                        | Nay.  |
| 193      | Amendment creating for food stamp plan to provide assistance for needy families in United States.....                                           | Yea.  |
| 194      | Amendment to repeal credit on dividends and to dedicate certain percentage of excise tax on automobiles to highway trust fund.....              | Yea.  |
| 195      | Amendment to alter tax rate on passenger automobiles.....                                                                                       | Nay.  |
| 196      | Amendment to repeal dividend credit and transfer certain collections of excise taxes to the highway trust fund.....                             | Yea.  |
| 197      | Amendment to eliminate provision which would weaken Federal highway roadside protection standards.....                                          | Yea.  |
| 198      | Vote on passage of Federal-Aid Highway Act of 1959.....                                                                                         | Yea.  |
| 199      | Amendment to put food stamp allotment plan on pilot-project basis.....                                                                          | Yea.  |
| 200      | Amendment to provide that shipments of surplus agricultural commodities to foreign countries be delivered to export vessels at U.S. ports.....  | Yea.  |
| 201      | Amendment directing Secretary of HEW to purchase supplementary foods in addition to surplus commodities for distribution to needy families..... | Yea.  |
| 202      | Extension of Agricultural Trade Development and Extension Act of 1954.....                                                                      | Yea.  |
| 203      | Amendment permitting increase to and placing ceiling of 1 1/4 percent on E- and H-bonds.....                                                    | Yea.  |
| 204      | Passage of bill to permit issuance of E- and H-bonds at interest rates above existing maximum.....                                              | Yea.  |
| 205      | Passage of second bill making appropriations for civil functions, 1960.....                                                                     | Yea.  |
| 206      | Extension and amendment of housing and urban renewal laws.....                                                                                  | Yea.  |
| 207      | Conference report on amendment to H.R. 4902 to authorize use of Great Lakes vessels on the oceans.....                                          | Yea.  |
| 208      | Passage of bill to authorize increased grants for construction of sewage treatment works.....                                                   | Yea.  |
| 209      | Vote to override Presidential veto of public works appropriations bill, 1960.....                                                               | Yea.  |
| 210      | Passage of bill providing assistance to fishing industry.....                                                                                   | Yea.  |
| 211      | Bill to permit sale of strategic materials to Communist-controlled countries.....                                                               | Nay.  |
| 212      | Amendment to reduce foreign aid appropriations by \$100,000,000.....                                                                            | Yea.  |
| 213      | Amendment earmarking \$50,000,000 for a specific country.....                                                                                   | Nay.  |
| 214      | Motion to suspend the rules to permit consideration of civil rights amendment.....                                                              | Yea.  |
| 215      | Amendment to extend life of Civil Rights Commission.....                                                                                        | Yea.  |
| 216      | Passage of mutual security appropriation bill.....                                                                                              | Yea.  |

### MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. EARD of West Virginia. Mr. President, I voted for the mutual security program during my first 5 years in Congress. I voted against it last year. The program has not changed during these last 12 months, nor have I seen any evidence that would tend to prove the worth of all these vast expenditures. Quite the contrary. The accumulating mountains of testimony on the foreign aid program suggest strongly that it is poorly conceived, too big and improperly administered.

I intend to vote for the mutual security appropriations bill which is presently before us. I am supporting it for a number of reasons. First of all, supplemental appropriations for various Federal agencies are included. There are moneys in this bill which will provide for the employment of an additional 100 policemen in the District of Columbia. There are moneys in this bill for the Department of Commerce, the Civil Rights Commission, the Federal Aviation Agency, the Department of Labor, and various other Federal departments. Moreover, the bill has met one of my primary objections in that it presents a scaling down of the foreign aid appropriation.

The bill is \$1,148,182,000 under the President's request and it is \$261,507,000 under the previously passed authorization bill. I believe that there should have been further cuts in the program, and I wish to state that I offered two amendments in the Appropriations Committee which would have further reduced the amount by \$200 million, and I supported all other amendments to reduce the appropriation.

I wish to say that I have voted for the bill reluctantly, inasmuch as I believe that it is still too much money, but I have been willing to support it in view of the great reductions we have made, in view of the moneys that are included for do-

mestic purposes, and in view of the fact that I believe that the program is vitally necessary to our security as it pertains to some countries, though not all. I do not think that we should continue to scale down the program, that we should be more selective in choosing the nations to be aided, that we should not give military assistance to certain dictatorships in Latin America where the military assistance cannot be of much importance to our own security and where it is, in reality, used to keep in power the dictators involved.

I also believe that we ought to send only the most capable and best trained individuals abroad to carry out the program, and I think that we should continue to hammer away at the waste and maladministration of the program.

I have been a strong critic of the program, although I have, as I say, very reluctantly voted to support it much of the time I have been in Congress. Having served on the Foreign Affairs Committee of the House of Representatives before coming to the Senate, I have had an opportunity to witness the operation of the program in many countries, and I feel that I am justified in my criticism of it. Criticism can be helpful in improving the program, and I believe that progress can only be made in the right direction if and when the people of our country are adequately informed about the program. Consequently, I wish to state briefly my attitude toward one or two features of the mutual security bill, particularly with regard to the Development Loan Fund.

Mr. President, I am not an isolationist. The world is here to stay and I see no possibility that we Americans can withdraw our attention from Germany or the Far East or any of the other places where we are deeply involved today. The United States cannot sit in the corner, bite its nails and watch the rest of the world go by. If it did so, it would place its security and well-being in extreme peril. We are still the world's most powerful nation and have a major share of the responsibility for preventing the Sino-Soviet bloc from slicing away parts of the free world. Foreign aid, mutual

security—whatever you want to call it—is certainly necessary if we are to build the kind of military strength that is needed to put up an effective roadblock to the Soviets. But this does not mean that our present aid program should be supported willy-nilly.

This Mutual Security Act goes far beyond the limits of what I believe can be justified on the grounds of national security. Look at the figures. Out of a total of more than \$3 billion, only \$1.3 billion is slated for direct military assistance. Just about half of the whole appropriation is for various kinds of economic aid. It goes by different labels—defense support, special assistance, development loans, technical cooperation and several other smaller categories—but all this is really economic aid. Military arms and ammunition that we supply to certain allied governments are obviously a contribution to the security of our own interests overseas. It helps our friends to deter and meet Communist aggression where this danger exists.

But, I do not believe we can justify the multitude of economic aid programs in this clear and convincing way. The administration still repeats the old and wornout slogans that economic development will stop communism and build democracies. But these arguments are less convincing now than they were 8 or 9 years ago. We have all had time to learn that communism is not simply the result of poverty and that democracy does not automatically ride in on the back of economic development. It is equally unconvincing to argue that defense support and special assistance aid will maintain internal security. American economic grants are poor extinguishers to use on the raging fires of nationalism that have consumed the stability of many a less-developed country in recent years. Of course, there will be particular crises where our grants may have these desired results. But 90 percent of the time, economic aid has got to be justified on a more convincing basis.

I have thought long and carefully about the purposes of foreign aid. It seems to be that the most realistic single reason for providing economic and



technical aid is simply to help the new or resurgent nations toward a more human standard of living. Many of the Asian and African peoples receiving our economic aid have per capita gross national products of less than \$200. Our income in the United States is more than 10 times that amount. The desire to help these peoples help themselves is obviously a commendable one. But I question seriously whether this can be the effective justification for approximately a billion and a half dollars in a bill labeled "mutual security." This aid should most properly come from individual donations. If it is to come through Federal legislation it should at least be presented on its true humanitarian grounds so that it can stand or fall on its own merits. It should not come before this body in legislation that is labeled "mutual security."

It is a bitter irony that the administration which cranks out these mutual security economic aid requests each year is the same administration that refuses to push the economic development of these United States. Why is it good to support low cost public housing in Asia, but not in this country? Why should the President veto domestic housing legislation that called for \$900 million in urban renewal or slum clearance grants at the same time he is urging Congress to appropriate \$835 million for defense support grant economic aid to foreign governments? The irony is even more striking when you find low cost housing listed among the projects to be paid for with defense support grant aid. If President Eisenhower favors appropriations for public housing abroad, why not for the poorer people of the United States?

I do not say that we must wait until every American becomes a member of the affluent society before we consider helping foreign peoples raise their living standards. I do say that it is improper for the administration to favor billions for the economic progress of less developed lands abroad and at the same time to deny this aid to depressed areas of the American economy. If the national debt is getting so high that the United States cannot afford adequate low cost public housing for its own people, then we should not be spending American dollars for public housing in Asia and Africa.

The Development Loan Fund is highly touted because it supposedly replaces this grant aid with loans for foreign economic development. But the American people are being hoodwinked if they really believe this. Loans from the Development Loan Fund are really economic grants in disguise and the arguments against grant aid apply just as strongly to these so-called loans. Indeed Development Loan Fund loans are even worse than grants in some respects because their true nature is so cleverly disguised.

First we are told by the Administration that these are indeed business loans

because the receiving country must prove to our satisfaction that it can make repayment. And then we are told of the long process of deciding on a loan so that everyone will make a vital contribution to the economic development of the receiving nation. All very fine.

But it is only after you turn the page and look behind the word "loan" that you find out what really happens when the United States gives some foreign country a loan from the Development Loan Fund. It is only then you see that these so-called loans are usually repaid in the currency of the borrowing country. Only 20 percent of the Development Loan Fund loans made so far is supposed to be repaid in dollars. And no one believes that this figure is going to increase very much in the years to come. In the case of all the rest, or 80 percent of the loans, the United States will get back Indian rupees, Spanish pesetas, Chinese yen and other soft foreign currencies in return for dollars.

We already own or jointly control more than \$2½ billion worth of these and other foreign currencies. What are we going to do with the additional billions that we keep accumulating under the Development Loan Fund and the assortment of other programs that generate this soft local currency? Only a tiny portion can be used up in paying for embassy expenses and our other housekeeping jobs in those countries. The rest just sits there and grows unless we reloan it or simply give it to the local foreign government because there is not much else we can do with it. The United States cannot buy anything with this money in our foreign currency accounts and take it out of the country unless we first get the permission of the local government. How is that for a business loan? Would anyone consider that he had made a sound loan to someone if he first had to sign an agreement not to take the repayments out of the lender's house without first getting his permission? I certainly would answer "No." Yet, this is exactly what we are doing under the terms of the Development Loan Fund.

Look for a moment at the size of these soft local currency accounts. The Treasury Department has estimated that if all the repayments in local foreign currency are reinvested in more loans continuing only through the next 5 years, the United States will have a claim on the resources of other countries in the year A.D. 2000 of almost \$37 billion. But if these loans do not stop in 5 years and if we continue to make them at even the present rate and then reloan the local currency proceeds when they are repaid, the cumulative obligations to the United States in the year 2000 will be worth almost \$154 billion. Every one of the world's less developed countries will be mortgaged to the hilt and the United States will hold all the mortgages. I do

not think this would help improve our foreign relations.

The International Cooperation Administration people are beginning to see these problems themselves. But the solution that they offer is one more colossal proof that loans from the Development Loan Fund are really grants in disguise. Under Secretary of State Dillon stated in his testimony before the House Appropriations Committee—page 321—that we should consider giving these local currencies away to promote economic development in places where there is little prospect that we can make use of these funds ourselves.

Now we see the whole train of changes that lock together. First we have sound loans from the Development Loan Fund. Then we see that most of them will be repaid in soft foreign currencies. Finally it comes out that there probably is not much we can do with these repayments in some countries except to turn around and give the funds back to the borrower. Most of them are not convertible; we do not need much foreign currency for our own embassies abroad; we cannot buy things and take them back home to the United States without special permission. All we can do is give the repayment back to the borrower. This, my colleagues, is the sad tale of the decline and fall of the great Development Loan Fund that was to stop giveaway grant aid.

Defense support is another part of the foreign-aid program that is traveling under an assumed name. This was foisted on Congress almost 10 years ago, when the Communist threat seemed to take an overtly military turn with the invasion of South Korea. The administration thought that Congress would buy any package that had military or defense on its label. But the truth is that most of this so-called defense support aid is just plain old economic stabilization or development aid. For a long time, however, the administration witnesses would not admit this. They kept on telling us that everything from malaria eradication to fisheries development was vital to support the defense effort of our allies amongst the poorer countries of the free world.

Two years ago, in 1957, Congress tried to stop this obvious misuse of funds by amending the Mutual Security Act to read that defense support was specifically designed only to sustain an increased military effort. But apparently that was not enough. This year the administration witnesses finally acknowledged that much of the defense support aid would be needed even if these countries were not building up their armed forces. And if that was not enough to make us see the light, look at the administration's testimony on the development loan for a new water system in Saigon, South Vietnam. When asked whether this same project could not have been financed from defense support money,



Under Secretary of State Dillon answered:

Yes. This kind of project would be eligible for financing under defense support, but the executive branch thought that it would be better to lend them the money.<sup>1</sup>

In other words, you can take your choice—call it defense support, or a development loan—it is all the same.

Since the foreign aid officials themselves admit these facts, I ask why this Congress should continue to appropriate funds to a program that is a blatant misrepresentation. The amendment to this year's Mutual Security Act incorporated under the leadership of the distinguished junior Senator from Montana [Mr. MANSFIELD] is a step in the right direction. It provides that the President must include plans with next year's foreign aid recommendations for reducing and terminating this defense support aid. There are enough unspent funds in the foreign aid treasury right now to operate those projects that truly are designed to support the allied defense effort. And next year the President can send Congress recommendations for a much smaller defense support program that is restricted to supporting the defense effort. Then Congress can vote for the program on its true merits.

Mr. President, the foreign aid program is poorly conceived and much of it gives the American people a totally incorrect idea of what the administration is doing abroad with their tax dollars. I have tried to show that the officially stated purposes for much of the economic aid are based on totally unrealistic ideas about the nature of man and social change. Communism cannot be stopped with economic aid handouts, nor does economic development assure the growth of democracy. Let us label this economic aid for what it really is—a humanitarian program to help others help themselves. Then let us put it on a private voluntary basis if Congress and the American people are not willing to support it with Federal appropriations. We will see what the administration is willing to support to help our

own depressed areas and spur economic development where it is needed in the United States. This will help the American people to make up their minds as to what this country can afford to help foreign countries.

I have tried to show that most of the Development Loan Fund loans are really economic grants in disguise and that we should stop this misrepresentation. Defense support aid is also a misrepresentation because most of it is economic stabilization and development aid. The mutual security program should concentrate on our military security.

Mr. NEUBERGER. Mr. President, my native State is justly proud of its record in the field of civil rights. Oregon adopted a Fair Employment Practices Act in 1949—the sixth State to take such action. Today in Oregon it is a civil right to have the opportunity to secure employment without discrimination because of race, religion, or national origin.

Additional legislation has been passed in Oregon since that time prohibiting discrimination in public housing; private, professional, or trade schools; and public facilities.

Today Oregon has a continuing Advisory Committee on Civil Rights. Duties of the commission are to study problems of discrimination; attempt to foster good will, cooperation, and conciliation; and make recommendations to the commissioner of labor for correcting abuses.

Many private organizations in Oregon have contributed to the advancement of the protection of civil rights in my State. Their efforts in exposing inequalities continue to be a major and essential spur to reevaluation of existing laws which are designed to insure nondiscriminatory treatment for all of Oregon's citizens.

Mr. President, the concern of the groups which I have mentioned is not directed toward Oregon alone. They have also worked for adoption of national legislation which will aid us in eliminating discrimination. Representatives of a number of these outstanding groups have wired me urging extension of the Civil Rights Commission. I ask unanimous consent that these telegrams be printed in the RECORD at this point. I also subscribe to the views expressed by Mrs. Ralph H. Mont regarding the undesirability of serving liquor on commercial airplanes.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

PORTLAND, OREG.,  
September 12, 1959.

Senator RICHARD L. NEUBERGER,  
Senate Office Building,  
Washington, D.C.:

Respectfully urge you use your influence to have term for Civil Rights Commission extended. Understand it is being submitted as an amendment to another bill. Also we want liquor on planes brought out of committee on to floor before close of session.

Sincerely,

Mrs. RALPH H. MONT,  
Legislative Chairman, United Church  
Women of Oregon.

PORTLAND, OREG.,  
September 11, 1959.

Senator RICHARD L. NEUBERGER,  
Senate Office Building,  
Washington, D.C.:

On behalf Anti-Defamation League Oregon board urge you vote extension existence Civil Rights Commission.

HY SAMUELS,  
Acting Chairman.

PORTLAND, OREG.,  
September 12, 1959.

Senator RICHARD L. NEUBERGER,  
Senate Office Building,  
Washington, D.C.:

On behalf Oregon Advisory Committee U.S. Civil Rights Commission meeting Portland yesterday we transmit urgent appeal to support strongly recommendations for renewal of Commission authority. We especially urge this so studies now underway be continued and legal actions already instituted be pursued, to the end of protecting civil rights Oregon citizens wherever they go in United States, and to upgrade rapidly the Uniform enjoyment of civil rights of all Americans.

MONROE SWEETLAND.  
DAVID ROBINSON.  
R. JOE BEEREMAN.

PORTLAND, OREG.,  
September 12, 1959.

Senator RICHARD L. NEUBERGER,  
Senate Office Building,  
Washington, D.C.:

If at all possible we hope you will make every endeavor to extend the tenure of the Civil Rights Commission for at least 2 years before the adjournment of the present Congress.

HARRY WARD,  
President, National Association for the  
Advancement of Colored People.

(Senate proceedings continued after  
House proceedings of today's RECORD.)

<sup>1</sup> U.S. Congress, House, Committee on Appropriations, hearings, mutual security appropriations for 1960 (and related agencies). 86th Cong., 1st sess., 1959. P. 1100.



# House of Representatives

MONDAY, SEPTEMBER 14, 1959

The House met at 12 o'clock noon. The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Acts 20: 32: *And now, brethren, I commend you to God and the word of His grace.*

O Thou Eternal Spirit, we thank Thee for the high and holy privilege we have had during this session of the Congress of daily walking and working together in the service of our God, our country, and all mankind.

We pray that as we go up and down the courts of memory and call to mind the yesterdays, we may have the joy of knowing that we have sought to blend our wills with Thine and have tried faithfully to establish a nobler social order with peace on earth and good will among men.

Grant that when the hour of adjournment comes and we leave this Chamber we may commend and commit one another and all who are dear unto us to Thy love and care, assured that as our days so also shall our strength be and that where Thou dost guide Thou wilt also provide.

May the grace of our Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit be with us all. Amen.

## THE JOURNAL

The Journal of the proceedings of Saturday, September 12, 1959, was read and approved.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On September 9, 1959:

H.R. 6118. An act to amend section 4 and section 6 of the act of September 11, 1957. September 14, 1959:

H.R. 2411. An act to amend paragraph 1629 of the Tariff Act of 1930 so as to provide for the free importation of tourist literature, to liberalize the tariff laws for works of art and other exhibition material, and for other purposes; and

H.R. 7040. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1960, and for other purposes.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill

(H.R. 6904) entitled "An act to establish an Advisory Commission on Intergovernmental Relations."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7476) entitled "An act to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control."

## THE LATE HONORABLE THOMAS H. BURKE

(Mr. ASHLEY asked and was given permission to address the House for 1 minute.)

Mr. ASHLEY. Mr. Speaker, it is with a very real sense of personal regret that I arise to inform the Members of the House of the passing of a former colleague, Thomas H. Burke, last Saturday.

There are many here who remember the notable service which Tom Burke rendered during the 81st Congress. As a member of the House Committee on Education and Labor he played an important part in drafting legislation which today is an accepted part of our national pattern and program. He was particularly active and instrumental in the enactment of laws relating to accident prevention and industrial safety, Federal aid to school construction, and equal pay for equal work for women.

As a matter of fact, Mr. Speaker, most of Tom Burke's life was devoted to public service in one form or another. Always a champion for the betterment of the workingman and his family, Tom spent many active years in the trade union movement and established a reputation which will speak for itself for many years to come.

Our former colleague was born in Toledo, Ohio, where there are many thousands of men and women who today mourn his loss. After attending Toledo parochial schools and St. John's College in Toledo, he served in the U.S. Navy from 1923 to 1927 and he continued in the U.S. Naval Fleet Reserve from 1927 to 1939. When Tom returned to Toledo in 1927 he went to work for the Spicer Manufacturing Division of the Dana Corp. In 1934 he played a leading role in the union organization of this plant and established himself as a man of courage, capacity, and integrity. In 1937 he was elected recording secretary of Local 12, UAW-CIO, and a year later he won the post of financial secretary of the same organization. In 1945 he was elected vice president of local No. 12 which, with a membership of some 30,000, had become one of the largest local unions in the country.

Tom Burke also served as acting executive secretary and executive secretary of the Toledo Industrial Union Council, perhaps one of the most important union positions in the State of Ohio.

Tom's political career began when he was elected a member of the Ohio House of Representatives during the 94th general assembly in 1941 and 1942. In 1944 he was elected to the Toledo, Ohio, City Council where he served, with 1 year as vice mayor of the city of Toledo, until his election to the U.S. House of Representatives in November 1948.

Many colleagues who served with him in the 81st Congress have told me that there were few legislators who made a greater contribution to that Congress than did Tom Burke. But the vicissitudes of politics often fail to gage a man by his merit, and in 1950 Tom was defeated for reelection.

In 1951 he moved to Alexandria and during the Korean conflict he served as a member of the Economic Stabilization Committee. Subsequently he became an assistant legislative director for the CIO, legislative representative of the UAW, and most recently was a member of the AFL-CIO jurisdictional dispute team, a post he held until his death.

Mr. Speaker, it is always difficult to find appropriate words to mark the passing of a close friend, and this is especially true of Tom Burke. I think those who knew him will always remember him as a gentle man capable of fighting fiercely for a cause in which he believed; a man of great dignity—even when he disdained to wear a necktie, as he did throughout his campaign for Congress when he declared that he would wear the tie of no man.

Especially will Tom be remembered by his many devoted friends for his wonderful pixielike humor, his thoughtfulness for others and his fundamental sincerity. Even those who represented management during the difficult days when Tom was one of the most active union organizers on the American scene will say to themselves: Here was a man whose word was always beyond question, a man who fought as hard for the cause of labor as any man could but who never forgot the importance of fairplay and trustworthiness.

Mr. Speaker, Tom Burke helped make it possible for many millions of Americans to enjoy a better life. What greater contribution can any man make? Yes, Mr. Speaker, it was because Tom Burke was genuinely and wholeheartedly dedicated to the cause of organized labor—to a better life for more people—that he had the respect and high regard of those who knew him. And it is because he was able to play an active and direct part



in America. This scientific lag has resulted from the educational lag.

The figures show, Mr. President, that this fall there will be a shortage of 130,000 classrooms in the schools of America, and that there will be a schoolteacher shortage of 195,000 teachers. This teacher shortage is brought about by the low pay for schoolteachers in this country.

For the elementary schools and the high schools we need a stepped-up construction program. We need higher pay for the teachers, so that we can attract more educated people to the teaching profession to fill this great void and vacuum. American schools must meet this challenge of today. The moon shots should speed us forward. A College Student Loan Act is proposed today; the GI cold war bill has passed the Senate. The teachers in high schools and colleges must get parallel treatment. Teachers' salaries must be adjusted to current costs and needs. We have a growing shortage of qualified teachers.

Mr. President, last year we passed the National Defense Education Act of 1958, which included a loan program for college students, in an effort to qualify more teachers, but the Department of Health, Education, and Welfare has worked assiduously to cut down the program. Mr. President, the National Defense Education Act of 1958, with regard to the student loan portion, has been made partially ineffective because the Department of Health, Education, and Welfare has written to the colleges and asked them to cut down on the amount of money request for the students to borrow. Then the Department has taken the figures which have resulted, which have been very low figures, to the Congress and has stated, "The colleges do not need as much money as we originally estimated. The colleges have said they did not need it." In that way they have helped to cripple the program.

The administration this year fought the college classroom loan program, by which we would have loaned money to colleges which needed money to build college classrooms in which to teach their students.

We now have pending before the Congress the bill introduced by the Senator from Michigan [Mr. McNAMARA] to lend money to school districts, so that they can build the school buildings they need. I think it is high time we passed such a bill.

The American people were warned of our educational lag at the time the Russians launched Sputnik No. 1 in October of 1957. Americans were then warned that they had to do something about the educational lag in this country. We have not yet done it. Two more years have rolled by, and now the Russians have landed the first rocket upon the moon.

Dr. Teller, the man who is credited with being the inventor of the H-bomb, has stated that we have such a severe lag in education that if we do not step up our education, Russia will lead us in science in 10 years. I hope we will follow his advice.

Mr. President, I wish to thank the

distinguished Senator from Alabama, who has done so much for the college classroom program this year. The Senator twice brought that program to the Senate from the committee in the housing bill. The President twice vetoed the provision of the bill which called for loans for college classrooms. Thus it is the responsibility of the executive department alone, not of the congressional branch, that we have no provision for college classrooms in America this year, from this Government, despite the great anticipated increase in college enrollment and the great shortage of college classrooms.

We need and want the opinion and assistance of an awakened America to aid both students and teachers in this educational crisis. Let us give our teachers and students the tools and the ammunition, the fuel in the tanks, that a great democratic fighting force deserves. Then we will no longer be second in space and second on the moon. When we put education first, we will be first.

Mr. President, I am glad to join as a cosponsor of the bill, though I personally prefer scholarships to loans.

#### THE ROLE OF THE MAJORITY LEADER IN THE SENATE

Mr. BYRD of West Virginia. Mr. President, during this session it has been my aim, as a new Senator serving his first term in this august body, to sit in silence, for the most part. I have thought in the part of wisdom to do so because this attitude lends itself to understanding and absorbing the customs, traditions, and, yes, even the atmosphere of this greatest parliamentary instrument which the world has ever seen.

I have, Mr. President, learned many things in this long, exhaustive, and grueling session which is about to conclude. I am well aware that all of you, particularly my seniors on this floor, have long ago absorbed these same lessons and it is not my desire this evening to test your patience by telling you something you already know.

I hope, however, you will spare me one comment about one matter whose importance to the effective functioning of democratic government has become more and more apparent to me as each month has gone by.

This is the crucial importance of the role of the majority leader of the Senate. If my friends across the aisle will forgive me for the intrusion of a party matter, good government depends largely upon how the majority is led. It is, I know, equally vital to the minority that it be treated by the majority leader with fairness, consideration, and unending courtesy. It is not for me, as a member of the majority, to suggest that the majority leader has fully met the highest standards in this respect. I would think so, but it would be graceless for me to say so.

Nor is it my purpose to dwell upon the needs of the Nation, in these terrible times, for patience and understanding between the two branches of the National Government, particularly when

they are held by differing political parties. The simple, single test here is patriotism. Each man, I would suppose, would define the word "patriotism" a little different than others. But, however we define it, or quarrel about the fine print of the definition, all of us here today instinctively know whether a man in the position of majority leader has or has not met this patriotic test of devotion to his country.

I would, Mr. President, instead comment on something else which the last 8 months of experience has brought home to me every day more and more forcibly. And that is how a majority leader must be the cohesive, the centrifugal force by which the majority is held together.

We Democrats are a varied lot, Mr. President. We come from widely scattered regions. We are strongly represented here by every section of the country whether South, Middle West, Far West, or East. All of us have different regional problems, strongly opposing pressures to which we are subject.

It is a very easy thing for one of us to forget the country in our absorption with our regional needs.

We represent all trades, all classes, all sections of this great Nation. The workingman and the farmer more and more have found their haven in the Democratic Party. The small businessman of the East comes under this same broad tent as the reclamation worker of the West. The man from Mississippi is here as well as the man from Wisconsin.

It is occasionally, Mr. President, a wonder to me that the majority has not scattered in a thousand fragments as all the diverse and varied, the imposing, and inconsistent problems of this huge country finally center here on this floor.

The simple reason, Mr. President, for my statement here today is to affirm to all of you my growing and now complete conviction that the single most important reason why this has not happened is because of the qualities of the majority leader of this body.

I have for many years admired him as a Senator. I have long understood his great ability. I know him today as a friend.

But it was not until I sat on this floor for 8 long months and came to an understanding of the complications and the processes of this body that I realized that one of the cohesive forces holding the Democratic Party together in these difficult times is LYNDON JOHNSON. His understanding of the needs and the desires of every section and every region, his appreciation of the ultimate necessity that in some way these conflicting regional needs must be compromised for the national good and, above all, his insistence that something must be done, that it is more important to act than to talk have, in my opinion, made him one of the greatest parliamentary leaders this country has ever seen.

The machinery of democracy is its parliaments. But democracy must act, must function, must create while it protects all other traditions. This I have come to understand and have realized that the one man who understands it



far better than most of us is LYNDON JOHNSON.

# MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. KEFAUVER. Mr. President, when the Senate considered establishing the Civil Rights Commission, I voted for it because I believed that these are very serious problems which deserved careful and considered study.

The right of every qualified American citizen to vote is basic and sacred. Any intelligent investigation of voting privileges of any of our citizens is worthwhile. I hope that the Civil Rights Commission will get back on the track of investigating the matter of voting and, at the same time, will get out of some of the other fields into which it has wandered.

The Commission has been established, and we have report us its first report. I must say this report is not a very satisfactory one. I am aware of the limitations of time under which the Commission worked, but that is really no excuse for either careless staff work or half-baked proposals. The report shows the results of both.

I am most familiar, of course, with conditions in my own home State of Tennessee. I am glad to note that the Commission recognizes that in 93 of the 95 counties of Tennessee there is no question whatsoever of the right of any one to vote. We are proud of that.

In two counties there is a problem, and that is something with which the thoughtful people of Tennessee, including those in the two counties, are concerned. But in one of those counties—Haywood—the Commission report shows the result of its inept staff work.

I wish to read a portion of what the Commission report said about Haywood County:

Representatives of this Commission were told that Negroes in the county own more land and pay more taxes than white persons but that their rights are sharply limited: They must observe a strict curfew.

That, my colleagues of the Senate, is not true. I know it is not true; and I have received a telegram from Alex Gray, Haywood County attorney, who is personally known to me and in whose veracity I have not the slightest doubt, saying it is not true.

They are not permitted to dance or to drink beer.

That is not true.

They are not allowed near the courthouse unless on business.

All Senators know that on my political journeys about Tennessee I have visited every courthouse in the State, not once but many times. I have never been to the Haywood County courthouse when I have not seen quite a few Negroes. That statement of the Commission is not true.

I think such careless handling of the facts by a Federal commission is inexcusable. I resent it all the more concerning Haywood County, because it is the home county of my late beloved mother, and I have many close relatives and personal friends there.

Many of the recommendations of the Commission are as carelessly conceived. The recommendation for a Federal registrar for voting is most unfortunate. These are problems which we must solve locally—they are not problems for which the solution can be imposed from above.

Mr. President, as I said in opening my remarks, I voted for the establishment of this Commission in the first place because I thought these are serious problems which deserve careful study and consideration and which require some soundly conceived proposals for solution.

What I said then is still true. I think the study is needed. Certainly if some Members of the Senate, whose only real concern can be the writing of such laws as will protect the rights of all our citizens, feel they must legislate in this field, they could responsibly do so only against a background of careful and reasoned study.

As the report of the Civil Rights Commission tragically indicates, such a study has not yet been made. Indeed, it may be that a careful and understanding investigation of the problems here involved would prove to this Congress that new Federal legislation, far from resolving inequities, may compound them. It would at least be my hope that the Commission, pursuing a genuinely responsible investigation, would produce findings whose apparent wisdom would preclude the passage by this Senate or the other body of any legislation the reasonable people of the South would interpret as punitive.

It is apparent to anyone here in the Senate that a majority of the Senators are currently in favor of much more drastic legislation than the extension of the Civil Rights Commission. Several proposals which are now before the Senate might easily be characterized as punitive.

While I am highly displeased with much of the Commission's report, I believe that a continuation of the study with a revamped Commission may be the best defense against drastic or even punitive legislation. While the study is going on, a telling argument can be made against the enactment of any such legislation. Therefore, extension of the Commission's life may be the best way to prevent legislation which could be harshly unfair to the South.

For this reason, and with hope that the Commission will enjoy the benefit of some new thinking, preferably by some new Commissioners and a revamped staff, I feel I must vote to extend the Commission's life. It is a vote motivated more by conviction of the need for a thorough study and a hope that it will be made than by any great respect for the first report of the present Commission.

In casting this vote, I hope also that the Commission will concentrate in the

future on its main function—that is, the right to vote, which is vital to the solution of the entire civil rights program.

I think the excursion into the field of housing needlessly aggravates an already difficult issue. I think the punitive proposals to withhold educational funds are a potential hindrance to education—not a help.

If the South opposes even a study of the problems involved, then I am afraid we may reap a whirlwind. Punitive legislation which will be not only bad for the South but bad for the country, could easily pass.

As Commissioner Battle, a distinguished former Governor of Virginia, has said, we need to have considerably more discussion of the problems of human relations before legislative action is taken. What we need, as he recommended, is conciliation.

Mr. DODD. Mr. President, throughout this year the Nation has been celebrating the 150th anniversary of the birth of Abraham Lincoln.

A stirring and unforgettable ceremony was held on February 12 by Congress. On television and radio, in the press, and in cities and town all across the Nation, there were impressive observances in memory of the Great Emancipator.

The words have all been said; the tributes have all been paid.

But one thing is lacking that is necessary to give these words, these tributes, these ceremonies real meaning. And that is action by Congress which would advance the cause most associated with Lincoln's life—the enlargement of human rights.

If we of this Congress go home this year without doing something more substantial than merely extending the life of the Civil Rights Commission, all of the words and tributes and ceremonies this past year in honor of Lincoln will have availed nothing.

I fear that such words as civil rights, desegregation, discrimination, are such commonly used terms that they have lost much of their meaning and significance.

The heart of this question is that millions of our fellow Americans, most but not all of them Negroes, are being denied basic rights and opportunities which most of us take for granted.

They are denied the right to equal use of public facilities which means, among other things, the right to the same quality of education that is made available to other Americans.

They are effectively denied the full rights of American citizenship, the right to vote, the right to sit on juries, the right to run for elective office.

They are frequently denied the sacred right of the equal protection of the laws, whether the issue be their rights as defendants in a court action, or their rights to full protection from crimes of violence.

They are denied the right to buy the kind of home in the kind of neighborhood they want and are able to afford.

They are denied the right to obtain a job, to make progress in that job, to achieve success in a variety of professions or careers on the basis of their merit.



Everywhere they turn they find doors of opportunity closed to them. It is impossible even to comprehend, let alone exaggerate, the manifold injustices that spring from this burden of discrimination in the fundamental business of making a daily living.

In short, these Americans are being denied the basic rights, the fundamental opportunities that our Government was instituted to protect, the inalienable rights to life, liberty, and the pursuit of happiness.

For millions of Americans these inalienable rights have been alienated. For them, these self-evident endowments of our Creator are being denied and set aside by a complex fabric of discriminatory actions by individuals, by local governments, and by State governments.

Many of the rights which are being denied Negroes and other minorities in this country are constitutional rights, rights which we in this body are sworn to uphold.

The 14th amendment of the U.S. Constitution reads in part as follows:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Those of us who are advocating comprehensive civil rights legislation at this session of Congress urge the U.S. Government act to make the 14th amendment a living, vital part of our Constitution. We are merely trying to reaffirm that these old words mean what they say, that the 14th amendment to the Constitution is not just a meaningless scrap of paper.

We want Congress to go on record to the effect that racial segregation in public schools violates the equal protection of the laws guaranteed by the 14th amendment.

We propose an orderly, systematic program through which the Federal Government can encourage and assist local governments in carrying out desegregation.

We advocate authority for the Attorney General of the United States to seek civil court remedies to bring about public school desegregation in those areas where a reasonable plan of desegregation is resisted by public authorities.

We offer legislation authorizing the Attorney General to seek civil court remedies in behalf of individuals who are being denied the equal protection of the law on the basis of race, color, religion, or national origin.

We support Federal antilynching legislation.

We seek to abolish the poll tax.

We want to put teeth in present protection of voting rights by requiring that records, papers, and ballots are to be retained and preserved under penalty of criminal law and that these records must be made available for inspection by the Attorney General.

We ask that all voting tests, questions and answers, must be printed or in writing, to prevent arbitrary and discrimina-

tory tests with respect to voting qualifications.

We want to extend the Civil Rights Commission by giving it until January 31, 1961, to file its final report on the state of civil rights in this country.

We seek to assist local law enforcement against terroristic bombings by making it a Federal crime to flee across a State line to avoid punishment for damaging or destroying any building or vehicle.

And we ask that the Federal Government furnish educational facilities for children for members of the Armed Forces in those areas where public schools are closed.

There is nothing immoderate, nothing arbitrary, nothing dictatorial in these provisions. We do not seek to establish radical new rights; we seek only to preserve old rights, rights as old as mankind itself.

The most controversial of the measures which I have briefly mentioned are those to protect voting rights, to speed up the process of school desegregation, and to permit the Federal Government to give legal assistance to those whose legal rights are denied.

It should not be difficult to prove to the objective listener the need for Federal action to safeguard the right to vote. Voting is our most fundamental political right. Yet, the Negro in the South finds a formidable array of artificial devices standing between him and the ballot box. The poll tax has been an obstacle. So have the various forms of intimidation, ranging from physical violence to the more subtle forms of reprisal. So has the fraudulent manipulation of voting qualification tests. All these have combined to reduce the number of Negro voters to about 25 percent of the adult Negro population in the 11 States of the Deep South.

As an absolute minimum, we in this free country have got to insist on the right of every reasonably qualified American citizen to vote; and to play his part in the political life of the community, the State, and the Nation. If we do not stand for this, we do not stand for anything.

More controversial than the provisions protecting voting rights are the provisions which would effectively speed up the process of school desegregation and allow the Attorney General to enter court cases in behalf of those who claim their rights are being violated because of race, color, religion, or national origin.

The deep-dyed opponents of any civil rights progress are fighting all advances. But there is a significant and perhaps decisive group which, while supporting legislation to safeguard voting rights, believes we should stop there.

This group holds that reforms cannot be forced upon the South, that we can achieve only those things for which there is significant acceptance in the South itself. And the second argument offered in support of this approach is that once Negroes are given the full right to vote, they will thereby receive the weapon with which, in time, they can win their other rights through the process of evolution, as have other minority groups.

There is a certain appeal and attractiveness to these arguments. Indeed this approach has won the approval of some enlightened national columnists.

However, I must reject this view. The implacable resistance to the Supreme Court desegregation decree in many localities and States makes action by the Federal Government to uphold the law more advisable, not less. The argument for delay, for slow evolution made sense 100 years ago, but not today.

Justice has been already too long delayed. The enjoyment of basic rights, guaranteed by the Constitution, should not be dependent upon the prejudices of the dominant group in any particular State or locality. The Supreme Court has told us unanimously that the Constitution requires the end of school segregation. This decision admits of no equivocation or compromise.

It admits of delay. It admits of gradualism. But it does not admit of the outright defiance of some eight State governments which have refused to take even a single step toward desegregation and have instead concentrated their energies on inflaming and arousing opposition to the Supreme Court and its decisions.

Those who talk in terms of what the people of the South will or will not accept also conveniently overlook the fact that the Negroes make up a large portion of the people of the South. In fact, in those very areas where Negro rights are the most outrageously suppressed, they are often in a numerical majority.

It is often said that we cannot legislate racial harmony. That may be true. We cannot eliminate prejudice, bigotry, and discrimination merely by passing laws; but we can eliminate illegal manifestations of discrimination, we can eliminate the denial of basic constitutional rights.

What of the argument that if we remove the restrictions against full voting rights from minority groups, the Negroes, like other minorities before them, will win for themselves other rights and opportunities now denied them?

Examples of the Irish, the Italians, the Jews, the Greeks, the Poles, and other minorities are cited. It is said that if other underprivileged minorities have made their way to full acceptance without the help of special legislation by the Federal Government, why should an exception be made in the case of Negroes?

My reply to this is that if other minorities have had to struggle over long periods of time to gain what should have been theirs in the beginning, if other groups have been forced to apply bloc pressure at the ballot box and in other places to achieve what was their just due, this is nothing to be proud of. Each of these episodes was a disgrace to the Nation, not a model which remaining minority groups must follow.

Nor need the members of accepted minorities, feel any smugness, any satisfaction that they have managed to gain full acceptance as Americans. We did not have to make one-tenth of the fight that our Negro friends have had to make and have to make today.



Our Government, we all agree, was founded upon the proposition that each man receives certain basic rights from the hand of God, and that it was the fundamental purpose of government to preserve and safeguard those rights.

To quote the Declaration of Independence, "to protect these rights governments are instituted among men, deriving their just powers from the consent of the governed."

Every American, every human being, ought to receive these precious rights at birth as a heritage.

So I have little sympathy with those who believe that the best that the United States Government can do is to give the Negroes a license to go out and fight for their God-given rights while it stands idly by the ringside to see if they can win them.

Our Federal Government cannot be a neutral, a mere onlooker in the struggle for the basic rights of man. It must do much more and much better than that.

It was established and maintained for the primary purpose of protecting these rights and seeing to it that no individual, no municipality, no State interferes with them.

That is what our Constitution is all about. That is what the concept of the Federal Government is all about.

I believe it is true that if the Negro's right to full voting privileges is granted, he will in time win, one by one, his other rights—in a generation or two or three. But at what cost? How many millions of unfulfilled lives? How much needless injustice? How much discredit to the Nation in the eyes of the world?

I am one of those who believe that the Federal Government should join actively and immediately in the fight against denial of the equal protection of the laws.

Since the Supreme Court decision of 1954, a great variety of legalistic dodges and calculated evasions has been worked out by State legislatures. The object of these dodges and evasions is not gradual compliance, not eventual compliance, but permanent, uncompromising evasion and defiance.

If the Constitution, if the law of the land is to retain its majesty, this situation can be tolerated no longer.

That is why many of us have joined in proposing legislation under which the Federal Government would outline a plan of desegregation. It would offer technical and financial assistance to help local communities carry out that plan; it would give every encouragement to those segments of the community which seek to abide by the law. Should all this fail, we would give the Federal Government power to compel enforcement of the Supreme Court decree.

Six Southern States have passed antibarratry laws which seek to prevent, under criminal penalty, the victims of discrimination from seeking or accepting the legal advice and counsel and assistance of groups such as the NAACP.

Even before this astonishing series of laws, it always seemed proper to me that the strong arm of the Federal Government should uphold the cause of those

whose rights are denied. It has never quite made sense to me that a man whose basic rights were being denied, a humble, poor, frightened, perhaps ignorant man, should be compelled to stand up alone against the legal power of the State and against all the reprisals which bigots know how to mete out, while the Federal Government stood by as a sort of disinterested onlooker.

Certainly the Attorney General's office should provide assistance. And with antibarratry laws preventing such private assistance as has in the past enabled many victims of injustice and intolerance to have their day in court, it is not only right, it is essential that the Attorney General be empowered to intervene in these cases.

When I came to the Senate in January, it was my hope that at this session of Congress, something decisive would be achieved in the long struggle to advance civil rights.

There have been a great many disappointments in this session but none more shameful than the treatment which civil rights has received thus far.

From the beginning, every delay, every obstacle, every dilatory device was placed in the way. Senator HENNINGS has told us of the long months through which he tried futilely and, at last with success, to get even a skeleton civil rights bill reported out of the Constitutional Rights Subcommittee, a subcommittee that should be dedicated to the protection of those rights.

I know from my own experience as a member of the Judiciary Committee of the calculated attempt by a minority of that committee to prevent any action whatever in this field.

The Judiciary Committee had a trust to perform. It had a task to carry out for the Senate. It has not met that trust. It has refused to carry out its task.

The Judiciary Committee has failed, failed completely, failed abjectly. It has forfeited any further right to have its prerogatives considered by the Members of this body with respect to civil rights legislation.

Having failed in its clear duty, it ought to be discharged from that duty. I applaud the action of Senator HENNINGS, Senator KEATING and Senator JAVITS, in laying before the entire Senate alternative methods by which we can bypass the Judiciary Committee to bring civil rights legislation directly to the floor.

If illness had not caused my absence from the Senate, I would have joined with them at the time they made their proposals.

It is the consensus of informed opinion that the delaying action has worked. We are supposed to be in the final day or two of this session. Advocates of civil rights legislation are now put in the position of preventing the adjournment of the Senate.

If adjournment must be delayed, let it be delayed. Our work is far from finished.

I support those who say we should stay here until Christmas if necessary to pass a decent civil rights bill.

I say let us stay here and keep on staying, this year, next year, and every year until we fill our responsibility to the Constitution and to the millions of Americans who are being treated as a second-class citizens.

I hope that the Senate of the United States will not, by adjourning now, say to the Nation and to the world that we do not have time to take up the constitutional rights of our people.

A nation that does not have time to safeguard the rights guaranteed by its own constitution cannot give the full measure of leadership required in the struggle to protect human freedom and human dignity everywhere.

Mr. ELLENDER. Mr. President, I feel deeply that I would be derelict in my duty to those who entrusted me with high office if I did not outline to the Senate in some detail the reasons why I oppose this effort to breathe an additional 2 years of life into the Civil Rights Commission.

I opposed the creation of this agency. I fought it with logic, facts, and predictions, and I lost. But the truth is, Mr. President, that those of us who were in opposition to the creation of this agency were, and still are, correct, and the recent recommendations of the Commission reinforce the justice of our position.

Senators will recall that the Civil Rights Commission was designed to fulfill three purposes. These were: First, to investigate deprivation of the right of citizens of the United States to vote by reason of their color, race, and similar factors; second, to study and collect information relating to the legal developments which constitute a denial of equal protection of the laws under the Constitution; and, third, to appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

Last week, the Civil Rights Commission rendered its first report to the Congress. Frankly, Mr. President, I looked forward to this report. I felt that if the Commission endeavored to look into the areas it was charged to evaluate in a fair, impartial, and realistic manner, it would find that many of the cries raised by the National Association for the Advancement of Colored People and other similar pressure groups were without merit.

I might as well have hoped for 90° weather in January here in Washington. The report filed by the Commission is anything but unbiased. It is anything but factual. It is anything but fair. It is based upon evidence which would be excluded by any self-respecting court in the United States, State or Federal. It is loaded with weighted data, slanted statistics, and biased conclusions. Its recommendations, particularly in the field of voting rights, would be ridiculous if they had been promulgated by any other group than one created by the Congress and vested with the authority of the Government of the United States.

As a matter of fact, Mr. President, I cannot believe that the members of the Commission had their minds on their business when they drafted some of these



recommendations. If they did, then a second Commission—a “keeper” Commission—should be created in order to prevent the Civil Rights Commission from making itself fair game for a lunacy hearing.

At the risk of imposing upon the Senate's valuable time, and at the added hazard of perhaps making several of my colleagues miss their scheduled departure dates, I would like to review just briefly a few of the factors which have prompted me to reach the conclusions I have outlined earlier.

First, as to the lack of objective evidence cited to reinforce the Commission's conclusions. Senators will recall that I pointed out earlier that little, if any, of this so-called evidence would be admitted by any self-respecting court in the land. For example, on page 29 of the Commission's report, Harper's Weekly is quoted, apparently as an authoritative work. Yet, the footnote to this quotation reveals that it is not Harper's Weekly which is being quoted, but, rather, a 1943 book entitled “The South in American History,” which purports to quote Harper's Weekly to the conclusion sought to be obtained by the Commission. A similar example is found on page 30 of the report, where the New York Tribune is quoted, but here, again, the footnote reveals that the compilers of the Commission's report did not take the trouble to verify the quotation selected, but, instead, relied upon a book written by C. Vann Woodward, entitled “Origins of the New South.” As a matter of fact, Mr. President, the full and complete Commission report is replete with similar examples, examples of the Commission making a flat statement of fact, with the statement supported only by a quotation from some other printed work.

Now, Mr. President, a practice of this kind might be appropriate in some quarters, but I most respectfully submit that it has no place in a report to the Congress of the United States, by an arm of the executive branch of the Government. We are entitled to original source material, just as much as a court is entitled to original source material. We are entitled to know the qualifications of those whom the report quotes as experts. Also those factors upon which the Commission relied in accepting the statements incorporated in its report.

I fear, Mr. President, that since the Commission has fallen into the easy habit of citing secondary sources as the origin of outright statements of fact in that section of the report covering the history of suffrage in the Nation, then it may well have fallen into the same sloppy habits in other sections of its report, too. As a matter of fact, I feel sure that if a considered effort were made to trace to their sources the bulk of the statements made about, and charges levelled against, the South in this volume, it would be found that they are based upon the rankest kind of hearsay evidence, on conclusions reached by individuals whose qualifications would not qualify them to appear as experts on the subject at hand.

The writers of the report did not hesitate to indulge in ridicule, either. For example, in both the full report, and in

the companion volume entitled “An Abridgement of the Report of the U.S. Commission on Civil Rights,” a half-tone, full-page copy of an affidavit purporting to have originated in my own State of Louisiana is printed in an effort to ridicule a deputy registrar of voters of Washington Parish, Curtis Thomas. If Senators will turn to page 83 of the abridged report, they will find that facsimile. On page 82, the following statement is made, referring to challenges of voters:

The most common basis for these challenges was alleged errors in spelling on the application forms. Investigation revealed that the challengers themselves misspelled words when filling out the challenging affidavits. For a sample in which the voter seems to be charged with an “error in spelling” with names of voter and challengers made out, see next page.

Now, the Lord only knows how many such forms the Commission's eager-beaver staff had to comb through before finding one suitable for the allegedly horrible example cited in the report, but I am willing to wager there were quite a few. Yet, while citing only one such form, the Commission's report nevertheless charges that “the challengers themselves misspelled words.” If the one form cited was found to be sufficient basis for a shotgun blast such as that discharged by the Commission in its report, then I am forced to conclude that insofar as other such charges may be concerned, the supporting evidence is bound to be similarly minute.

In addition, it is interesting to note that the Commission is not willing to accord the deputy registrar of voters of Washington Parish, La., the benefit of the doubt. It does not take into consideration that perhaps the misspelling referred to is the result of an honest mistake, an error in writing, instead of being an indication of the deputy registrar's inability to spell. The lack of such consideration becomes particularly graphic when it is noted that in the very next line of the Commission's sarcastic comment upon the deputy registrar's spelling ability, the word “masked” is spelled “m-a-k-e-d.” Applying the same logic to the Commission, as the Commission seeks to apply to the deputy registrar of voters of Washington Parish, La., I am led to the inescapable conclusion that the president of Michigan State University, the president of Notre Dame University, the dean of the Southern Methodist University Law School, a former Governor of the State of Florida, a former Governor of the State of Virginia, a former attorney general of the State of New Hampshire, and a host of other Commission employees are unable to spell the word “masked.”

In addition to containing flat statements of fact with little or no objective, firsthand information recited to support such statements, in addition to using isolated instances in order to ridicule State officials in the performance of their official duties, the Commission's report positively exudes an atmosphere of bias.

For example, on page 76 of the abridged report begins a chapter headed

“Louisiana Roadblock.” The gist of this chapter is that neither the attorney general of the State of Louisiana, nor a Federal district court judge for the western district of Louisiana, would permit the Civil Rights Commission to run roughshod over the legal prerogatives of State officials, and the basic rights of private individuals. The Commission is apparently particularly perturbed because Judge Ben C. Dawkins, a judge of the U.S. District Court for the Western District of Louisiana, ruled that the Commission's activities were subject not only to the Administrative Procedure Act, but to the basic rules of fair play.

The report discusses Judge Dawkins' ruling, and then, in an effort to render the coup de grace, it turns from the lawbooks, from the Constitution, from the rules of fair play, to that great source of unbiased comment on racial matters, to that fount of judicial, political, legislative, and other kinds of knowledge, the Washington Post. Can you conceive of the audacity of this Commission, Mr. President? It seeks to refute the ruling of a Federal judge by quoting from a Washington Post editorial. It is absolutely ridiculous. Needless to say, of course, the Washington Post and Judge Dawkins are in disagreement. Judge Dawkins held that the Civil Rights Commission was bound to observe the standards of the Administrative Procedure Act. The Washington Post, speaking through one of those anonymous individuals who periodically don judicial robes and render their own opinions of the law, or perhaps what they believe the law ought to be, has held, however, that—and I quote:

The Administrative Procedure Act was intended to apply to agencies which make rules or adjudicate cases. The Civil Rights Commission does neither, of course.

Mr. President, after reading this report, I wonder if the Commission is not beginning to believe that we may not need Federal courts at all. I would not be surprised to find the Commission recommending that the Federal court system be abolished, and the task of adjudication be turned over to the Washington Post. Evidently the Commission believes that the Post editorial page is equivalent in authority to the voice of a Federal judge. That was the Commission's authority.

Am I charging that the Commission is biased? I most certainly am, Mr. President, and I think that charge is based upon sound logic.

Senators might be interested to know that on page xi of the complete Commission report are outlined some of the qualifications of those who hold responsible staff positions on that Commission. There we find that “George M. Johnson resigned as dean of the Howard University Law School to join the staff as Director of Planning and Research.”

This statement, Mr. President, lets the cat out of the bag. It is one clue as to why the Commission's report could be nothing but biased, slanted, and anti-South.

Life magazine of June 13, 1955, published an article entitled “Chief Coun-



sel for Equality." I quote from Life magazine:

Marshall had only a small staff and limited funds, but every time a crucial case came up, he had—and still has—the enormous benefit of Howard University's dry runs. These are arduous, all-day rehearsals at the law school, where Marshall and his assistants try their arguments on a simulated Supreme Court made up of professors. Nine of them sit at a long table, and each one tries to act as much as possible like a specific Supreme Court Justice, sticking the lawyers with tough questions that might crop up in the Court itself. Law students form the audience and are encouraged to ask rough questions too.

The value of such sessions has been proven repeatedly. During one dry run in preparation for a Supreme Court hearing on discrimination in housing, a student asked a question no one present could answer. At the end of the session a group of lawyers and professors met to seek the solution. Hour after hour they argued over it; finally at 5 a.m. they decided on the answer. Only a few minutes after the Supreme Court opened its hearings Justice Felix Frankfurter asked the very question posed by the students. The answer agreed on at Howard did the trick.

Johnson, it will be noted, was dean of the Howard University Law School. The chief legal counsel of the National Association for the Advancement of Colored People. Thurgood Marshall, has boasted on quite a few occasions that both the faculty and student body of the Howard University Law School assist the NAACP in performing its research, and in other tasks relative to preparing cases for presentation before various Federal and State tribunals.

In other words, the commander in chief of the NAACP's corps of part-time law clerks was given the job of directing Commission plans and research. I presume that the Commission knew full well that if a full-time employee of the NAACP had been given this job, even the so-called liberal press would have agreed that the staff lacked objectivity. Thus, in order to accomplish the same result, without heralding to the world what it had in mind, the Commission merely selected an indirect employee of the NAACP in order to do its dirty work.

The point I want the Senate to understand is that the Commission staff was not constituted in such a way as to be able to conduct an objective investigation, to consider fairly and objectively any conditions which it might look into, or to assist in rendering an unbiased report to the Congress. On the contrary, the entire mechanism, from Commission membership down through Commission staff, was deliberately set up in order to present to the Nation a slanted viewpoint of some of the most serious internal conflicts confronting the people of our country.

Yes, Mr. President, the Commission was a factfinding body. It deliberately set out to find facts which would bolster its own previously conceived notions of what it should find, what it should recommend, what it should advocate.

Earlier, I referred to the Commission's recommendations. I pointed out that they would be ridiculous, if they had not been rendered by an agency of the Fed-

eral Government. I now propose to discuss some of those recommendations and to demonstrate the reasoning behind my conclusions.

Actually, Mr. President, the recommendations dealing with voting rights are the most important, because the franchise is basic to the existence of any free government. Under our Constitution, the right of franchise is and should remain primarily a State function.

The Commission offered five recommendations with regard to voting.

The first would require that a special census be taken in order to compile registration and voting statistics including a count of individuals by race, color, and national origin who are registered, and a determination of the extent to which such individuals have voted since the last decennial census.

This would seem to be an innocuous recommendation, Mr. President, but a needless one, as well. Actually, it is a patent effort to get around various State laws which are designed to preserve the sanctity of the ballot. The Commission, because it has been refused a hunting license to search through State records, now seeks to shift the burden of that task to the Census Bureau.

The information thus gathered would, I assume, be compiled by census takers, none of whom are usually experts in the law, and few, if any, of whom would be qualified to evaluate whether or not the information given them was accurate. The census, I submit, was designed primarily as a "head count" in order to determine the number of persons living in our country at stated intervals. During more recent times, the Census Bureau has been authorized to provide statistical data covering other areas of our national life, particularly our national economic life. In no instance has it ever been empowered to become an investigatory arm of the Federal Government. In addition, the census survey proposed by the Commission would, since it is designed to cover the extent to which voting has taken place, involve the acceptance of unsworn, unchecked testimony—testimony which would be reduced to numbers and, clothed with the mantle of accuracy which has enveloped census reports during past decades. Data would be offered as facts while, as a matter of reality, they would be based upon subjective, as opposed to objective standards—and, in addition, would be the fruits of opinion, beliefs and attitudes.

Furthermore, there is no indication as to the cost of such a special census. However, it would obviously require census agents to visit every dwelling in the United States, since each voter, or person of voting age, would have to be questioned. I would believe it would be incorrect to state that the cost of such a special census would approximate the cost of a regular decennial census.

According to the Census Bureau, the 1950 Decennial Census cost \$90,618,000. The 1960 census will probably cost much more than that; our Nation has grown tremendously during the last 10 years, and the cost of nearly everything has increased. This increase will doubtless affect the cost of the census.

Thus, I do not believe it is farfetched to state that the cost of the proposed special census would probably exceed \$100 million.

In other words, the Civil Rights Commission is proposing a thoroughly needless census, to cost over \$100 million. This is done without any quams at all, and on the basis of a statement, otherwise unsupported by factual data, by the Commission, to the effect that information on voting turnout in the United States is incomplete.

The Commission's second voting recommendation involves a request for congressional legislation requiring that all State and Territorial voting records be made public records, and requiring further that they be preserved for a period of 5 years, during which time they would be subject to public inspection.

Now, Mr. President, the practical effect of this proposal would be to make such records Federal records. They would, for all practical purposes, be removed from the power of the States, and placed under the purportedly benevolent guardianship of the Federal Government.

But there are other defects, as well. First, the States would be put to a prohibitive expense in order to preserve such records for 5 years. This would be an unnecessary expense amounting to a Federal tax upon the States, a tax for which there is neither excuse nor justification.

Second, the preservation of such records, coupled with the requirement that they always be open to public inspection, would impose a burdensome duty upon the State officials involved, if, indeed, the proposed statute would impose requirements upon such registrars which would be additional to those now imposed. Actually, Mr. President, there is no need for such a statute. In my own State of Louisiana, for example, applicable State law presently requires that certain voting records be preserved permanently, and that such records be available to the public.

The only restriction is that should persons want to copy or reproduce such records, application for such purposes must be made by 25 or more registered, qualified voters of the parish involved—see Louisiana Revised Statutes, title 18, section 91 to section 94.

Mr. President, what the Commission has in mind is not what the proposed statute would lead one to believe. What the Commission wants is *carté blanche* authority to haul away and copy as many of the voting records as it may desire. This intent is made crystal clear by language appearing on page 92 of the abridged report, to the effect that Louisiana has interpreted provisions for examination of the State registration and voting records as prohibiting such examination by the Commission staff.

As I understand the situation, Mr. President, objections were raised by the State of Louisiana, and affected registrars of voters, not to the examination of such records, but to the Commission's attempt to compel registrars of voters to bundle up such records and bring them to a hearing many miles from the parish seat of the parishes involved.



At this point, I wish to refer again to the decision rendered in the case of *Larche* against *Hannah*, civil action No. 7479, the opinion of which was written by Judge Ben C. Dawkins of the U.S. District Court for the Western District of Louisiana. This ruling resulted in the issuance of a temporary restraining order against the Civil Rights Commission, restraining the Commission from holding a proposed hearing in Shreveport, La.

It will be noted that Judge Dawkins points out that—

The Commission has caused subpoenas and subpoenas duces tecum to be served upon plaintiffs in these suits, commanding them to be present and give testimony at the hearing and requiring the 16 registrars of voters, who are plaintiffs \* \* \* to bring with them, for inspection and copying by the Commission, a large number of records from their offices.

Thus, Mr. President, while the Commission complains in its report that the State of Louisiana refused to permit the Commission to examine State voting records, the facts seem to be that objection was raised to the Commission's demand that such records be transported for considerable distances to a place of hearing, selected by the Commission, where such records were to be used in the nature of evidence against registrars of voters in an effort to harass and embarrass them, without opportunity for cross-examination, confrontation of accusers, or other basic rights of individuals.

What the State of Louisiana has objected to has been star-chamber hearings, and the wholesale examination of voting records on a "fishing expedition" basis.

Mr. President, I believe the evidence is clear that the Commission desires the enactment of the statute it has recommended in order to accord to the Commission the right to take over, lock, stock, and barrel, the official functions of elected State officials of the State of Louisiana, and all other States as well.

What the Commission has in mind is a second reconstruction. The recommendations it is offering, the legislation it is demanding, would, if placed on the statute books, result in the reenactment of the so-called Federal election laws of reconstruction days.

I think this result becomes obvious when the Commission's next two recommendations are considered. Recommendation No. 3 involves the enactment of the following statute:

Nor shall any person or group of persons, under color of State law, arbitrarily and without legal justification or cause, act, or being under duty to act, fail to act, in such manner as to deprive or threaten to deprive any individual or group of individuals of the opportunity to register, vote and have that vote counted for any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegate or Commissioner for the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

Does this language strike a familiar chord in the memories of Senators? It should, for it is very close both in tone and in language to a section of the Fed-

eral election laws, enacted in 1870, but repealed in 1893, because not only were such laws burdensome, but because they actually had brought about more corruption and election fraud than ever before thought possible.

Here is section 2005 of the Revised Statutes, a part of the old Federal election laws, repealed in 1893:

When, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote.

Compare the language of these two sections of law, and it will be obvious, Mr. President, that the intent of both is the same. Of course, the clever draftsmen of the Civil Rights Commission staff changed the words a little bit. They had to. After all, they are part and parcel of a devious effort, and the very nature of their work requires that they adopt devious means. It would be unthinkable for them to come forward honestly, and admit that they propose to reenact a section of one of the Reconstruction Acts.

Senators may think I am straining logic a little—that perhaps the staff and members of the Civil Rights Commission did not really mean to ask Congress to enact the Reconstruction days' Federal election law.

Yet, Mr. President, if we proceed to the fifth recommendation of the Commission, the objective of the Commission becomes clear and indisputable.

That recommendation proposes that under certain circumstances the Federal Government, that is, the President of the United States, would be required to dispatch a separate, Federal registrar of voters to a given area, and that such Federal official would have the power to register voters under State law, despite contrary findings by an elected State official.

Under the Commission's proposal, whenever nine persons certified to the Commission that they had been denied an opportunity to register to vote, and that they nevertheless believed themselves qualified, despite such denial, the Commission would sit as a factfinding body to evaluate the complaints referred to. If any and all affidavits were found to be justifiable, that fact would be certified to the President, who would then be directed to appoint a Federal registrar of voters to administer State registration laws.

In other words, Mr. President, the Civil Rights Commission wants to be given power to tell the President of the United States to displace selected State officials. The President would be denied any discretion in the matter of appointing such registrars. There would be no appeal from the decision of the Civil Rights Commission. That Commission would sit as a grand and glorious super legislature, super court, super executive—supreme in power over all in view—superior to the States, superior to the Con-

gress, superior to the courts, and empowered to direct the President of the United States to perform an executive duty. In effect, the only function retained by the President in this area would be the purely ministerial function of naming a Federal registrar of voters when the Commission wanted one named. All the President could do would be to hop when the Commission said "frog."

In my opinion, Mr. President, this suggestion goes even further than the 1870 Federal election laws. Under that statute, Federal courts were empowered to appoint election supervisors, in order to more or less oversee elections. However, they were not vested with power to issue a mandate to the President of the United States to displace State-elected officials.

Be that as it may, Mr. President, I believe the obvious similarity between the now-defunct 1870 Federal election laws and the statutes proposed by the Civil Rights Commission in recommendations 3 and 5 of its report are clear to all who would like to take the time to look.

With this in mind, it is only logical for the Senate to examine into the operation of the 1870 Federal election statute, in order to see how it functioned, what results it accomplished, and why it was repealed.

We should begin to look at history, in an effort to keep from making the same mistake twice.

Well, Mr. President, if the record is examined, it will be found that the experience of the Nation under the Federal election laws was sad, indeed—so much so that after an investigation of practices in New York City, the Congress, in 1893, determined that these laws should be repealed. Remember, Mr. President, although the Federal Election Act of 1870 was directed at the South, although this was one of the Reconstruction statutes designed to maintain the Southern States as vassals of an all-powerful Federal Government, operations under that statute were so putrid in the State of New York that the election law was repealed.

Listen to a portion of House Report No. 18 of the 53d Congress, 1st session, on H.R. 2331, "Repeal of the Federal election laws."

The object of legislation should be to prevent conflicts between the State and Federal authorities. These statutes have been fruitful in engendering them. Enacted in reconstruction times, when it was deemed necessary to carry out those measures, the purpose for which they were framed having happily passed away, we feel that they cannot be too quickly erased from the statute books.

But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the States whose officers we sent to represent it in the Government of the United States? Is fraud in



elections any less contemptible because it emanates from the people of the States without Federal interference? Or is it any less dangerous to the people of the States because it lacks Federal supervision?

Let every trace of the reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercing, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and "beneficently"; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State of the Union. In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment. To enter into the details in many cases where citizens have been unjustifiably arrested and deprived of their liberty would be useless in this report.

We content ourselves in referring to Report No. 2365 of the second session of the 52d Congress on this subject, where many such instances are detailed.

Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability of indisposition to properly guard the elections, which, if ever true, has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals.

In addition to this admonition, Mr. President, issued over three-quarters of a century ago, it would seem pertinent at this point to read to the Senate some of the other remarks advanced by the author of that report, with regard to the supervisors of elections—those 1870 counterparts of the Federal registrars of voters proposed by the Commission on Civil Rights in the year of our Lord 1959. I quote from page 6 of the House report:

The States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this state of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States. This of itself must create friction, and the history of the country since the enactment of these laws, has demonstrated their un wisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scruti-

nized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How then can the United States, by its supervisors and deputy marshals, supervise an election under a law which it has not enacted or scrutinized the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

Later, on page 7, the report had this to say:

Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country? The power to make laws is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinate. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past, has resulted only in irritation, contention, and criticism of the government that has proposed it.

Thus, Mr. President, if it is the intent of the Senate to preserve and continue the Civil Rights Commission, I think that intent should be coupled with an understanding of what is proposed to be done. I think it behooves the Senate to realize that it will be doing more than merely continuing a factfinding group. It will, in effect, be endorsing, at least indirectly, recommendations which propose the imposition of a second reconstruction upon the Southern States, nay, upon the Nation.

The Civil Rights Commission, by the very terms of its report, has served notice that it is leading, and will continue to lead, the attack upon our Federal structure, as now constituted. It has practically told the Congress that it desires to throw overboard the basic concepts upon which the Constitution rests, and has recommended that the federalist system devised by our founding fathers be supplanted by a monolithic government modeled after the government of some well-known totalitarian states. It has even gone so far as to recommend the appointment of Federal commissars to determine who will, or will not, be permitted to vote.

If the Senate wishes to give this group a vote of confidence, that is the Senate's business, but I believe Senators should understand what they are endorsing before they sign their names on the dotted line and rush off for the airport to return home.

If any doubt remains as to the direction in which the Civil Rights Commission wants to push the course of our Government, it is dispelled by the position of those three members of the Commission who advocate a constitutional amendment dealing with qualifications of voters. Three members of the Civil Rights Commission—one-half of the total membership—believe that the Constitution should be amended to prohibit the application of any voting qualifications by the States except those relating to age and residence.

What the Commission wants to do, it says, is to make State laws more or less uniform. What they have in mind would certainly do just that, but, by limiting voting standards which States could impose as to age and length of residence, three members of the Commission want to open the door to the most ridiculous, yet critical and serious set of circumstances ever witnessed by this Nation.

It is difficult to quarrel with the desire for universal suffrage, Mr. President, but the cold fact remains that any suffrage, in order to be effective, must take into consideration factors other than merely age and length of residence.

Under the Commission's recommendations a proposed constitutional amendment would give the right to vote to every citizen who meets his State's age and residence requirements, and who is not legally confined at the time of registration or election.

What about incompetents, Mr. President? Would they be permitted to vote under this scheme? Evidently they would, provided they are not confined. Yet, in my own State of Louisiana, there exists an unconfined class of incompetents—persons unable to contract, persons whose affairs are placed under the supervision of guardians, or tutors, to use the more precise civil law terminology. Such persons are termed "interdicts." Under Louisiana voting laws, these persons cannot vote, and this prohibition is based upon real and basic considerations. The logic is simple, and, in my opinion, correct—namely, that if persons have been found to be unable to conduct their own affairs, they should not be placed in a position to assist in conducting affairs of government.

Yet, three members of the Civil Rights Commission would insist upon extending the right of franchise to persons such as these.

Let me outline some of the other classes of persons in Louisiana who are denied the franchise, under Louisiana voting law, but who three members of the Civil Rights Commission would like to see participating in the affairs of government.

First, convicted felons who have not been subsequently pardoned.

Mr. President, I suppose it might be argued that this is in the nature of further punishment meted out to those who flaunt the laws of their State, and that such additional punishment is too severe, yet, why should such persons have the right to vote? Note that the prohibition in Louisiana extends only to persons convicted of a felony, a serious crime against the peace and dignity of the State. Is it too farfetched to imagine that persons who deliberately commit an offense against their government would maintain a serious and realistic interest in properly molding the course and fortunes of that government? Of course not, but three members of the Civil Rights Commission believe otherwise. "Open the jail doors," they cry, "and hand the ballot to all the felons you may release—the arsonists, the rapists, the



murderers, and even to those who might have been convicted of treason."

If this is the kind of thinking the Senate of the United States wants to perpetuate in office, if this is the kind of recommendations the Senate believes should be bought and paid for by the American taxpayers, then the Senate is not true to the trust imposed upon it by the Constitution.

Here is another group of persons denied the vote in Louisiana: deserters from military service, until they have returned to the command from which they deserted, made good the time lost in desertion, and served out the term of their original enlistment.

Why should deserters from military service be given the right to vote, Mr. President? Can the three members of the Commission who want to extend that right really believe that a citizen who shirks his duty to defend his country against all enemies, both domestic and foreign, and who willfully breaches his solemn contract with his government, is fit to participate in the electoral process? If they do, then may the Lord have mercy upon our Nation, for we have come upon evil days, and leadership has fallen into bad hands.

What about another class of persons denied the right to vote in Louisiana, namely, persons dishonorably discharged from the Louisiana National Guard, or from the military service of the United States, unless reinstated? Should these be permitted to vote? Should persons found to be rendering dishonorable service to their government be permitted to help pass judgment on the course of action of that government? I believe the question answers itself.

Oh, of course, the three Commissioners who demand this proposed constitutional amendment say they are worried about literacy—they do not like some State laws which deny the franchise to illiterates.

Well, they might be right, but let us weigh this proposition against just two factors, and then see just how meritorious the proposition of the three Commissioners may be.

First, illiterates cannot read a ballot, hence, when exercising the right to vote, must be accompanied by some other person.

Second, since illiterates cannot read in the first place, they have no way of knowing whether or not the person, or persons, demonstrating how their ballot should be marked, are, indeed, following the will of the voter.

Can Senators visualize just what complete elimination of the literacy requirement would do in the way of opening the doors to election fraud? I hope they can, because, obviously, the three Commissioners who advocate such a proposal cannot.

It may well be that the Commissioners involved are merely expressing concern about what they believe is a wrongful denial of the right to vote in some areas, but the manner in which this concern is expressed casts a curtain of doubt over the judgment of three of the six members of this Commission to which

the task of examining factors operating in the civil rights area has been entrusted.

I submit, Mr. President, that it would be a mistake of the first magnitude for the Senate to vote to perpetuate the Civil Rights Commission. As I have tried to point out, the Commission's report, standing alone, offers reasons in abundance why the Commission should be disbanded.

Of course, Mr. President, I am realistic enough to understand that much of the data contained in the Commission's report, along with some of the attitudes expressed therein, were perhaps highly colored by the background and beliefs of the members of the Commission's staff, as well as the members of the Commission, themselves.

For one thing, Senators will note that, in addition to recommending that Federal power and authority be greatly expanded—even at the cost of amending the Constitution, among other things—the Commission has made sure that it would receive an abundant share of the new power which it proposes to vest in the central Government, plus a long and perhaps perpetual life.

As a matter of fact, of the Commission's 14 recommendations, more than one-third—a total of 5, to be precise—contemplate Congress giving the Civil Rights Commission not only permanent status, but a greatly expanded role in the area of Federal-State relations.

I need not remind Senators that the Civil Rights Commission was created as a factfinding body. I have already paid my respects to its "factfinding" ability.

However, to the best of my recollection, at the time the Commission was created, the Congress envisioned it as a kind of quasi-legal task force, designed to accomplish three specific functions, which I have already enumerated, to present their findings vis-a-vis those functions to the Congress, and then to disband itself.

If further proof of this is required, I direct Senators to page 12 of the Senate Judiciary Committee Hearing held on S. 83 and related bills during the months of February and March 1957. The Attorney General of the United States, Mr. Brownell, who has boasted that he conceived the Civil Rights Commission, stated:

Above and beyond the need for improving the legal remedies for dealing with specific civil rights violations is the need for greater knowledge and understanding of all of the complex problems involved.

The proposal before you would create a bipartisan executive commission for the express purpose of making a full-scale study of the problem and of reporting within a 2-year period.

Later, on page 15, Mr. Brownell testified:

This is only a 2-year Commission.

But I suppose, Mr. President, that it was too much to expect that this Commission would do its assigned job, and then quietly follow the mandate of the Congress, and disband. Actually, I had hoped that such would be the case, but it obviously is not.

Instead of actually being disbanded, the Commission is sought to be continued, not only at the behest of the Congress, but at the instigation of the Commission itself. I presume this is understandable. The staff members are very anxious to preserve their jobs. They are getting good pay. They are advancing the purposes of the National Association for the Advancement of Colored People with full and complete immunity, and are doing so under the protection and authority of the Federal Government. It is only natural, I suppose, for them to want to remain on the Federal payroll.

But, their desires to the contrary and notwithstanding, I state here and now that it is time for the Congress to cut short their ambitions, before we wake up and find that the creeping tentacles of this governmental octopus have become so firmly affixed to our body politic that they are impossible of removal.

A few moments ago, I referred to the 14 recommendations submitted by the Commission, and pointed out that 5 of them envisioned an expanded role for the Commission. Let us take these in order.

First, as to voting, the Commission is dissatisfied with the present scope of its subpoena power. Not only does it want to preserve the power of subpoena, but the Commission wants to be authorized to apply directly to the appropriate U.S. district court for an order enforcing a subpoena, in the event of contumacy, or refusal to obey such a subpoena. The Commission finds it burdensome to have the Attorney General to enforce its subpoena power.

Now, is not that just too bad, Mr. President?

In all seriousness, the Commission apparently has in mind setting itself up as a separate little kingdom answerable to no one—except perhaps the NAACP and other organizations—similar, if not superior, in status to the Justice Department. It even wants authority equivalent to that presently vested in the Attorney General to apply for the enforcement of its subpoena powers.

This demand, Mr. President, should most emphatically be denied. There has been no showing that the Commission's existing authority is insufficient, other than the statement of the Commission itself. I indeed hope that the Senate will not accord this extraordinary power to the Commission. The fact that the Commission has the power to subpoena is bad enough; let us not compound an existing legislative mistake by vesting unchecked enforcement power in the Commission.

In recommendation No. 5, under the heading "Voting Rights," which I have already discussed in some detail, it will be noted that the Commission wants itself set up as a Jehovah-like board of inquiry, empowered to look into alleged denials of the right to register to vote, to make findings of fact thereon, and, acting upon those findings, to direct the President of the United States to appoint Federal registrars of voters in any chosen area of our country.



A number of factors immediately stand out:

First, as I have stated, the Commission, in effect, wants to vest itself with judicial power, in that it wants authority to receive and evaluate allegations of denial of the right to register to vote.

Second, it desires to obtain that power, completely free from any safeguards or standards whatsoever. There is no indication that such proceedings would be adversary in nature, despite the fact that there might well be another side to the question. The registrar, or, for that matter, the State, about which complaint was made need not be accorded an opportunity to be present at any hearings which might be held, to present evidence, to cross-examine complainants, or to have any other rights which the Constitution demands and the rules of fair play require.

As a matter of fact, there is no assurance that there would be a hearing at all. The factfinding proposed to be performed by the Commission could well be done summarily, in executive session, on an ex parte basis.

Third, there are no standards set forth by which the Commission would be guided in making its determination. The complaints involved might well be the result of an honest error on the part of a registrar, but there is no guarantee that if, indeed, such should happen to be the case, the Commission would not decide to require the appointment of a Federal registrar of voters in the appropriate area, or areas.

Along these same lines, it should be noted that nine complaints would have to be received by the Commission before it could initiate action. However, these complaints could originate in any district, county, parish, or other political subdivisions of a State.

Let us see what might well happen, Mr. President, in the Third Congressional District of Louisiana, which happens to be my home district.

This district consists of eight parishes. A group of nine dissidents, perhaps acting at the instigation of the Civil Rights Commission, could file affidavits with the Commission—with eight of these affidavits originating in eight different parishes, and one in a municipality located within any parish in the district. Any or all of these nine complaints could be determined to be "well-founded," to use the language of the Commission.

Upon such a finding the Commission could certify to the President that Federal registrars should be appointed in each of the eight parishes of this congressional district.

In this connection, it should be noted that there would be no appeal from the Commission's finding. On the contrary, as outlined in the Commission's recommendation, that finding would be conclusive.

It should be further noted that, as I have already pointed out, the President would not have any discretion once the Commission certified its findings to him. To use the Commission's language:

The President upon such certification shall designate an existing Federal officer or em-

ployee in the area from which complaints are received, to act as a temporary registrar.

In other words, Mr. President, the Commission's nonappealable certification would impose upon the President the absolute duty to appoint a temporary registrar. Even the President would have no discretion. He would be compelled to bend to the Commission's demands.

I submit, Mr. President, that a procedure of this kind is tailor-made for despotism. If ever the day came that a President desired to perpetuate himself in office, this is how it would be done:

First, repeal the two-term limit on Presidential terms.

Second, appoint a Civil Rights Commission whose membership would be subject to the President's wishes.

Third, through the agents of this Commission, ferret out a sufficient number of individuals within a political subdivision of a State willing to provide the necessary affidavits, and initiate a proceeding before the Commission.

Fourth, prevail upon the hand-picked membership of the Commission to find that the complaints or any requisite number thereof were well founded.

Fifth, see to it that the necessary certification was made to the President.

Sixth, appoint a temporary registrar of voters of the appropriate political persuasion, and,

Seventh, sit back and count the votes at the next election.

Through such a procedure, Mr. President, it would be possible for an unscrupulous Chief Executive to perpetuate himself in office. As a matter of fact, under this procedure, the members of the Civil Rights Commission could well become a board of super-Presidents, since they would have the practical say-so about whether or not a Federal registrar was to be named, under what conditions, and where.

Where is any safeguard against such arbitrary action to be found? Is it found in our history? I submit it is not. On the contrary, one of the gravest faults of the 1870 Federal election laws was the fact that they accommodated themselves to the grasping greed of unscrupulous politicians.

Is such a safeguard found in the courts? It is not, because there would be no appeal from the Commission's findings, or certification.

Is there a safeguard provided by way of standards which the Commission would be bound to follow? There is not. The only standard I can find in the Commission's recommendation is the proposal that the complaint be "well founded." This standard, Mr. President, has no parallel to my knowledge, unless it be the standard sometimes applied by Federal judges in determining whether a complaint filed under the Federal rules of civil procedure should be dismissed pursuant to a motion to dismiss.

Is there a safeguard in the President's discretion? There most certainly is not because the President has no discretion.

Once the Commission's certification reaches his desk—then he shall appoint the temporary registrar. In this connec-

tion, it might be well for Senators to note that as few as one well-founded complaint could result in the appointment of a Federal registrar throughout a political subdivision of a State. The Commission's proposal states that any and all well-founded complaints are to be certified to the President. "Any and all" could well mean one such complaint.

Is there a safeguard provided as to the duration of time for which such temporary registrars would be appointed to serve? Absolutely not. The Commission's proposal states that "Jurisdiction shall be retained until such time as the President determines that the presence of the appointed registrar is no longer necessary."

Mr. President, the procedures I have outlined, the lack of safeguards in the Commission's recommendation No. 5 under the heading "voting," offer the Nation a roadmap to despotism. This proposal is not only dangerous, it is not only a blueprint for totalitarian rule, but it serves as ample evidence of the fact that either the members of the Commission must have drifted into a state of temporary incoherence while compiling their report or they comprise, indeed, the largest and most powerful conglomeration of unrealistic, impractical, dreamy-eyed schemers it has been the Nation's misfortune to have created for quite some time.

In any event, the recommendation I have just discussed is another brick in the solid structure of evidence that the Civil Rights Commission, under the terms of the recommendations it has submitted, wants to constitute itself not only as a supreme judge of the Nation's morals, but as one of the most, if not the most, powerful element in our governmental structure.

I would remind Senators that these are only two of the five recommendations which attest to that fact.

Two more are found under the heading "Public Education," and appear on page 133 of the Commission's abridged report. They are:

That the President propose and the Congress enact legislation to authorize the Commission on Civil Rights, if extended, to serve as a clearinghouse to collect and make available to States and to local communities information concerning programs and procedures used by school districts to comply with the Supreme Court mandate either voluntarily or by court order, including data as to the known effects of the programs on the quality of education and the cost thereof.

That the Commission on Civil Rights be authorized to establish an advisory and conciliation service to assist local school officials in developing plans designed to meet constitutional requirements and local conditions; and to mediate and conciliate, upon request, disputes as to proposed plans and their implementation.

These, too, Mr. President, contemplate not only an expansion of the Commission's authority, but also the breathing of perpetual life into this group. Perhaps even more dangerous in the long run is that these recommendations would give the Commission a foothold in the operation of our school systems, through the creation of a "mediation and conciliation service." If such a service were created, I fear for the end



results, particularly in the light of some of the other harebrained schemes concocted by this Commission and its staff of well-paid agitators.

The Commission is not satisfied to recommend that it be given almost total authority over the electoral process plus a growing toehold in the public education, it also wants to get its fingers into housing. I quote recommendation No. 2 of the Commission, under the heading "Housing":

That the President issue an Executive order stating the constitutional objective of equal opportunity in housing, directing all Federal agencies to shape their policies and practices to make the maximum contribution to the achievement of this goal, and requesting the Commission on Civil Rights, if extended, to continue to study and appraise the policies of Federal housing agencies, to prepare and propose plans to bring about the end of discrimination in all federally assisted housing, and to make appropriate recommendations.

Again, I remark, Mr. President, that the situation confronting the Senate would be laughable if it were not so serious. Here we have a Commission, created for a 2-year term, directed to perform certain specific functions, in certain specific fields, proposing to extend itself into three major and important aspects of American life—that is, elections, schools, and housing—on a permanent basis, with power that no single agency of government should ever have, if indeed, it should be necessary to vest such powers in the Federal governmental structure at all.

Mr. President, during recent months the Senate has been receiving complaint after complaint from the executive branch about the magnitude of proposed Federal expenditures. The President has not hesitated to use his veto power in an effort to impose his views as to what course the Federal budget should take, ranging over areas from housing, through water resources projects.

The Civil Rights Commission offers a grade A opportunity to save the taxpayers a substantial amount of money. Yet, the President not only has no objection to this scheme, but is actually supporting it.

According to my figures, the Civil Rights Commission expended, through June 30, 1959, a total of \$725,390. To carry the Commission through its present termination date, November 9, 1959, an additional \$280,000 has been made available. To finance the Commission's operations through June 30, 1960—that is, through the remainder of the 1960 fiscal year—would require an additional \$500,000. It is proposed to couple this \$500,000 appropriation with new legislative authority to extend the life of the Civil Rights Commission.

Mr. President, I believe it is only fair that the Congress balance the accomplishments of this so-called Commission against the more than \$1,000,000 it will have spent by November 9, 1959.

What are these accomplishments?

I have already mentioned the report of the Commission. I presume that this could be referred to as an accomplishment, although it might more aptly be

termed a discredit to the people and the Government of the United States.

The distinguished Senator from North Carolina [Mr. ERVIN] has already discussed another so-called accomplishment of this Commission. He has dramatized the wholesale waste of taxpayers' money by this roving band of star-chamber inquisitors. On last Saturday evening, the Senator from North Carolina pointed out:

Under the act, the Commission was authorized to investigate only verified complaints, that is complaints on oath or affirmation alleging a denial of voting rights. The Commission received—down to April 30 of this year—only 253 verified voting-rights complaints which were sworn to and which the Commission was authorized to investigate under the statute which created the Commission. Down to the time when the Commission had received the 253 voting-rights complaints, from 25 States, the Commission's total expenditures were \$762,500. In other words, averaging the cost of the operation of the Commission for the voting-rights complaints, the only thing it was authorized to investigate—it was authorized to make some studies, but not to investigate anything else—it cost the American taxpayers \$3,013.83 for each voting-right complaint it received.

Now it is being asked that the life of the Commission be extended. The voting rights complaints which the Commission received to April 30, 1959, have cost the taxpayers \$3,013.83 per complaint. I do not think the taxpayers' money should be dealt with in that fashion.

Some objections were raised to the Senator's analysis, on the basis that the Commission's grant of power permitted it to go beyond the field of voting rights in its investigations. Frankly, Mr. President, I believe that any fair interpretation of the law creating the Commission would amply support the position of the Senator from North Carolina, but I must respectfully submit that even if, indeed, the Commission were justified in investigating problems other than voting, the costs of such investigations have been unjustifiably high.

The records show that through August 25, 1959, the Commission had received a grand total of 1,048 complaints dealing with the three factors it had chosen to investigate—that is, voting, housing and education. Of these 1,048 complaints, 342 dealt with voting rights. Of this amount 280 were sworn complaints and 62 unsworn. Under the law the Commission can only look into sworn complaints.

Thus, the Senate must bear in mind that the voluminous report submitted by the Commission, the recommendations based on that report, and the barefaced proposal that the Federal Government in effect take over the entire electoral process, were all based upon no more than 280 voting complaints.

The housing complaints and the education complaints were not required to be sworn, thus, if the total of such complaints—that is, 706—be added to the total of sworn complaints dealing with voting, it will be seen that the Commission, during its 2 years of operations, has had before it less than 1,000 complaints from a total population of 176 million people.

Put another way, Mr. President, the complaints received by the Commission through August 25 came from less than one-two hundredths of 1 percent of our total population. Based on the estimated total expenditure of the Commission through its present termination date of about \$1 million, it will be seen that it has cost the taxpayers of this country approximately \$1,000 to process each and every complaint received thus far by the Civil Rights Commission.

Mr. President, this strikes me as an unconscionable expenditure, an absolute waste of public funds. Certainly the people of the United States deserve more value for their money than has been received thus far. It is morally, as well as politically, wrong for one-two hundredth of 1 percent of our total population—including, no doubt, quite a few political agitators—to be handed \$1 million of scarce tax dollars on more or less a silver platter.

Here is an area where we could assist the President in achieving assurance of a balanced budget in fiscal year 1960.

I would also remind the Senate that the \$1 million which the Commission has cost the Government is only the direct cost of its operations. The indirect cost occasioned by the existence of this roving group of biased factfinders is doubtless tremendous. We have no breakdown of how much the Commission's operations may have cost the Justice Department, for example, or the Civil Service Commission, which is charged with investigating the qualifications of individuals hired by the Commission.

There is no sum available as to the cost imposed upon the States or upon the judicial branch of the Federal Government. I have not been able to obtain an estimate as to how much the proceedings attempted by the Commission in my own State of Louisiana cost the taxpayers of Louisiana, or how much was expended to finance the court proceeding conducted by Judge Dawkins of the U.S. District Court for the Western District of Louisiana, to which I referred earlier. It strikes me, however, that such costs must have been considerable. If these are added to the Commission's expenses, along with the cost of similar proceedings in Alabama and elsewhere, I feel sure that the figure is considerably in excess of the \$1 million in direct costs this Commission has cost the taxpayers of this country.

Mr. President, if the Senate, if the Congress, is indeed anxious to assist the President of the United States in reducing Federal expenditures, I cannot think of a better place to start than right here. Actually, Mr. President, in many ways it is most appropriate for the Civil Rights Commission request for funds to have been lodged in the pending bill. The mutual security program is the most wasteful single program presently financed by the Federal Government. Here we have before us legislation which accounts for much, if not most, of the waste presently found in Federal expenditures. Here, in one bill is found nearly \$1½ billion for military assist-



ance, \$600 million of which will be provided to countries of Western Europe. This is certainly waste. The bill carries vast sums for grant economic aid to a multitude of countries throughout the world. Much of this is waste.

It is poetic justice that the proponents of an extended Civil Rights Commission should choose to nestle away, among other wasteful expenditures, the proposed appropriation of \$500,000 for the Civil Rights Commission. I advise the Senate, Mr. President, that if it wants to strike a blow for a balanced budget, the first thing that should be done is to vote down this entire proposal—foreign aid and the Civil Rights Commission together.

I also want to point out to Senators that the Commission consists of an unjustifiably large number of lawyers. According to figures supplied by Mr. Gordon Tiffany, Director of the Commission, in testimony before the Senate Committee on Appropriations this year, some 66 persons were on the Commission's payroll as of August 25. Of this number, 22—or exactly one-third—were attorneys.

During the prior period for which I have figures, that is, the period December 29, 1957, through June 30, 1958, a total of 31 lawyers were on the payroll of the Commission.

If the function of the Commission is merely to investigate and evaluate conditions existing with regard to voting, housing, and public education, why are so many lawyers needed, Mr. President?

The truth of the matter is that this is not merely an investigatory, or an evaluating body; it is a quasi-grand jury, and it will continue to employ hordes of lawyers and investigators to harass the elected officials of the 50 States of this Union unless it is permitted to die a natural death.

Mr. President, I have already spoken much longer than I originally intended, but as I indicated at the beginning of my address, I believe I would be derelict in my duty if I failed to call to the Senate's attention the harm which is inherent in the proposal to breathe further life into the Civil Rights Commission. I realize that those of us who oppose this scheme are, in reality, voices crying in the wilderness. This session of the Congress is quickly drawing to a close. The Senate is anxious to go home. There is every evidence that if this matter is pressed too far a petition will be presented to invoke cloture and stifle free debate.

In closing I want to remind the Senate that it must, in considering extending the life of the Civil Rights Commission, weigh the desirability of such an extension against the attitudes assumed and the opinions expressed by the Commission in its report to the Congress.

I repeat, Mr. President, this report is a blueprint for depotism. It completely ignores the admonition of one of the Founding Fathers of our great Republic, Thomas Jefferson, who declared:

In questions of power let no more be heard of confidence in man, but bind him down

from mischief by the chains of the Constitution.

Mr. JOHNSON of Texas. Mr. President, on the question of agreeing to the motion to suspend the rule, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Is there a sufficient second?

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. What is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona [Mr. HAYDEN] to suspend paragraph 4 of rule XVI, for the purpose of proposing a certain amendment.

Mr. JOHNSON of Texas. Mr. President, I anticipate that the vote will be taken very soon.

At this time, I yield to the distinguished Senator from Kentucky [Mr. MORTON] who, I understand, desires to address the Senate.

Mr. MORTON. I thank the majority leader.

Mr. President, much has been made of the fact that so few voting complaints have been made to the Commission. This point utterly ignores the significance of the complaints. These complaints are symptoms of a disease in our democracy.

If I were a physician, and if, after examining a patient, I found only three red spots and a couple of white spots at the back of the tongue, would I therefore be justified for a failure to treat a case of diphtheria? Or if I were a surgeon, and I found on my patient but one small malignant growth, should I therefore be excused for a failure to operate upon a cancer?

In the case of these voting complaints, it is said there are only 95 in Louisiana. What is the significance of these complaints? It is just this:

The legislature in Louisiana has raised and appropriated money for a joint legislative committee to preserve the principles of segregation. The chairman of this committee, who until recently was also president of the citizens councils in Louisiana, has instituted a statewide purge of Negro voters in the State. In concert with the citizens councils, an organized purge of Negro voters is now underway in Louisiana. Citizens council members are acting as challengers of voters in the various parishes within that State, and it is the open boast of the chairman of the joint legislative committee on segregation that they will reduce the number of Negro voters in Louisiana from 130,000 to 13,000. That is why 95 voting complaints are important, even if they be considered small in number—a consideration with which I do not agree; and that is why it is important for this Commission to continue its work to disclose objectively the facts and the patterns which may be corrected and need correction if we are to function as a true democracy.

This investigation and hearing were recently enjoined in the courts. The case is still pending. An appeal would not be decided, in all probability, until after the life of the Commission would cease, under existing law. This reason alone—to finish unfinished business—is a sufficient reason for extension of the life of the Commission.

In addition, let us remember that the investigation of complaints is only one-third of the statutory duties of this Commission, which is primarily a commission to study and collect information generally on the denial of equal protection of the laws—both at the Senate and the Federal level. This is a painstaking and time-consuming job. It is not yet finished. But to say that all of this money is being spent on complaints is patently not true.

We should extend the life of the Commission. We should give it the modest sum which the Budget Bureau requested for the balance of the year, and we should call a halt to the dilatory tactics, and should let the Commission get on with the job.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona [Mr. HAYDEN] that paragraph 4, of rule XVI, be suspended.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. Mr. President, I announce that the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Arkansas [Mr. McCLELLAN], and the Senator from Montana [Mr. MURRAY] are absent on official business.

I also announce that the Senator from Wyoming [Mr. O'MAHONEY] is absent because of illness.

On this vote the Senator from Hawaii [Mr. LONG] and the Senator from Wyoming [Mr. O'MAHONEY] are paired with the Senator from Arkansas [Mr. McCLELLAN], if present and voting, the Senator from Hawaii [Mr. LONG], and the Senator from Wyoming [Mr. O'MAHONEY] would vote "yea," and the Senator from Arkansas [Mr. McCLELLAN] would vote "nay."

I further announce that if present and voting, the Senator from Oklahoma [Mr. KERR], and the Senator from Montana [Mr. MURRAY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent on official business of the Joint Committee on Atomic Energy.

The Senator from Kansas [Mr. SCHOEPPPEL], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] and the Senator from Iowa [Mr. MARTIN] are absent on official business.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."



The yeas and nays resulted—yeas 71, nays 18, as follows:

## YEAS—71

|               |               |                |
|---------------|---------------|----------------|
| Aiken         | Dworshak      | McGee          |
| Allott        | Engle         | McNamara       |
| Anderson      | Fong          | Magnuson       |
| Bartlett      | Frear         | Mansfield      |
| Beall         | Gore          | Monroney       |
| Bible         | Green         | Morse          |
| Bridges       | Gruening      | Morton         |
| Bush          | Hart          | Moss           |
| Butler        | Hartke        | Mundt          |
| Byrd, W. Va.  | Hayden        | Muskie         |
| Cannon        | Hennings      | Neuberger      |
| Capehart      | Hickenlooper  | Pastore        |
| Carroll       | Hruska        | Prouty         |
| Case, N.J.    | Humphrey      | Proxmire       |
| Case, S. Dak. | Jackson       | Randolph       |
| Chavez        | Javits        | Saltonstall    |
| Church        | Johnson, Tex. | Smith          |
| Clark         | Keating       | Symington      |
| Cooper        | Kefauver      | Wiley          |
| Cotton        | Kennedy       | Williams, N.J. |
| Curtis        | Kuchel        | Williams, Del. |
| Dirksen       | Langer        | Yarborough     |
| Dodd          | Lausche       | Young, Ohio    |
| Douglas       | McCarthy      |                |

## NAYS—18

|           |                |                |
|-----------|----------------|----------------|
| Byrd, Va. | Holland        | Smathers       |
| Eastland  | Johnston, S.C. | Sparkman       |
| Ellender  | Jordan         | Stennis        |
| Ervin     | Long, La.      | Talmadge       |
| Fulbright | Robertson      | Thurmond       |
| Hill      | Russell        | Young, N. Dak. |

## NOT VOTING—11

|           |              |           |
|-----------|--------------|-----------|
| Bennett   | Long, Hawaii | O'Mahoney |
| Carlson   | McClellan    | Schoeppel |
| Kiddwater | Martin       | Scott     |
| Kerr      | Murray       |           |

The PRESIDING OFFICER (Mr. MUSKIE in the chair). On this vote there are 71 yeas and 18 nays. More than two-thirds of the Members of the Senate present having voted in the affirmative, the motion of the Senator from Arizona [Mr. HAYDEN] is agreed to, and the rule is suspended.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HAYDEN. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 20, after line 11, it is proposed to insert the following:

COMMISSION ON CIVIL RIGHTS  
Salaries And Expenses

For an additional amount for "Salaries and expenses", \$500,000: *Provided*, That section 104(b) of the Civil Rights Act of 1957 is amended by striking out the words "two years" and inserting in lieu thereof "four years".

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President—

SEVERAL SENATORS. Vote! Vote! Vote! Vote!

Mr. JAVITS. Mr. President—

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President—

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Is the amendment subject to amendment?

The PRESIDING OFFICER. The amendment is subject to amendment, in the appropriate way.

Mr. JAVITS. Mr. President, I will state to the leadership that one of the reasons why amendments are being withheld—although I have some amendments and other Senators have some amendments, and we all know it—by those of us who would otherwise offer them is because we feel there will be a day certain next year when this subject may be opened up and debated with a view toward legislating on it. There was a great deal of colloquy on this subject this morning. We have not heard it mentioned since.

Mr. President, if the opportunity goes by to offer amendments to this particular amendment, we will require a new suspension of the rules should we desire to submit an amendment, if no such understanding is forthcoming, so far as all of us are concerned. So I should like to address a query to the minority leader, to my own leader, as to when he feels that he will, in the next session of Congress, bring up the question of an amendment to a bill or the question of a motion to discharge the committee, or take some other action to make available to those of us who have amendments at this time the opportunity for debating and for acting upon what is called civil rights legislation?

Mr. President, it seems to me that in order to reach an understanding we ought to have some particular date before us at this time. This is the moment when the subject should be discussed with respect to this measure.

Mr. DIRKSEN. Mr. President—

Mr. HENNINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. For what purpose does the Senator rise?

Mr. HENNINGS. I ask the Senator to yield.

Mr. DIRKSEN. Mr. President, I think the inquiry was addressed to the minority leader.

Mr. HENNINGS. I should like to make an inquiry of the Senator from New York.

Mr. DIRKSEN. Yes.

Mr. JAVITS. Mr. President, I first yield to my minority leader, since I asked him a direct question. Then I shall be happy to yield to other Senators. I should like to yield first to my own leader.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. HENNINGS. I will abide by that decision, certainly.

Mr. DIRKSEN. Mr. President, this morning we had an extended colloquy on this matter. In the main, I think the difficulty lies in the selection of a date when the matter might be taken up for further action, after the turn of the new year.

I wish to say that the majority leader has been most cooperative about this. I think there is some agreement now that such could be done on or after the 15th day of February. I think a specific date at that time would certainly be most agreeable to my distinguished friend from New York.

If the Senator will permit, I think I ought to refer the matter to the majority leader, because in his capacity as the majority leader he is in a position, of course, to make a better determination of that matter, and I think he can inform the Senate on that point at this time.

Mr. JOHNSON of Texas. Mr. President—

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. If the Senator wants to speak I will yield.

Mr. HENNINGS. Mr. President, having shared some considerable interest in this proposed legislation over a period of some years, having been the chairman of the subcommittee which held the hearings and reported the bill, and having been a member of the committee with the distinguished minority leader, I simply want to say that the distinguished majority leader and the distinguished minority leader have been exceedingly cooperative.

I stated my position on Saturday night, by placing my statement in the RECORD. I did not make a lengthy speech because I did not think the speech would change one vote on this floor on this subject.

I am willing to rely upon the good faith of the minority leader and of the majority leader with respect to the proposed legislation and an opportunity to bring it before the Senate without undertaking to commit the leadership to a day certain.

The distinguished minority leader has suggested February 15 or some day thereafter. The Senator might find it more convenient to bring up the matter before that time, or thereafter, but I think we can all agree that no further hearings are required, and little if any further speeches are required upon the subject. There might be some speeches on some of the amendments. I have offered some amendments and have asked to have them lie on the table.

I think my colleague, the Senator from New York, has done likewise.

I thank the Senator from New York.

Mr. JAVITS. I thank my colleague.

Mr. President, I yield to the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I thought we had covered this matter several times in the last few days. We discussed it at some length this morning. I expressed my views then, and I will repeat them now.

Each Senator is within his rights to offer any motion he may desire to make to have the Senate proceed to consider proposed civil rights legislation, or any part of any civil rights bill, at any time he may choose to do so. I think it is pretty generally accepted that it is not desirable or wise to make such a motion at this time, because I do not think such a motion would be in the interest of passing any kind of a civil rights bill. I think most of the Members of the Senate are of that opinion.

I stated this morning what I have said on other occasions, that when we return next year I have no doubt that a motion will be made in regard to considering a bill which has been passed



by the House, if such a bill should be passed by the House; or a motion will be made to consider the resolution now on the calendar, which was offered by the Senator from New York; or a motion will be made to amend some House bill which has been passed and is on the calendar. That could be done at any time after we are reassembled in January.

When would be the best time to do that to suit the convenience of a majority of the Members of the Senate? That is a question each Member can determine for himself.

I said earlier today that I did not think anyone interested in passing a civil rights bill would knowingly bring up the subject a week or 2 weeks before many Members of the Senate would leave the Senate to speak at the Jefferson-Jackson Day dinners in the latter part of January, during the period of President Roosevelt's birthday. If they did, we would discuss the subject for a week or 10 days, and a substantial number of Senators would leave for the Jackson-Jefferson Day dinners, to reassemble after they were concluded. In 3 or 4 days Senators would be leaving for the Lincoln Day dinners.

So I suggested that the minority leader tell us when his Senators would be back in the city following the Lincoln Day dinners. At that time we could give notice to Senators. We would bind no one by agreement, but we would inform ever Senator that a motion would be made in regard to a civil rights bill, and that all Members could be present and be on notice that it would be made, so that they would have ample opportunity to debate it.

The minority leader tells me that that date would be February 15, and that date is agreeable to me.

I serve notice on all Members that on or about 12 o'clock on February 15, I anticipate that some Senator will rise in his place and make a motion with regard to the general civil rights question. I presume several motions in that connection will be made. Any Senator might make such a motion before February 15.

I should say that it would be the better part of wisdom to try to arrange to have an agreement that such a motion would be made on February 15, February 14, or February 16—whenever the minority leader's Members are back in the city following the Lincoln Day dinners. Then we could remain with the subject until some action was taken.

I hope that will satisfy the Senator from New York.

Mr. JAVITS. It does. I am very grateful to the majority leader.

I now ask my own leader whether the 15th of February may not be stated by him as being the date.

Mr. DIRKSEN. If the Lord is willing and I am alive.

Mr. JAVITS. Mr. President, I ask the indulgence of the Senate. This is a body whose Members are pretty rugged. I believe that if Members will consult one another quietly they will agree with me that what has just transpired is in the interest of the whole debate, and in

the interest of fairness to the country, whatever may be one's views on the subject.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HUMPHREY. I thank the Senator from New York for his perseverance and persistence. I appreciate the statements of both the minority leader and the majority leader. The majority leader had previously outlined the situation. At this hour he makes it all the more clear. I, for one, agree—

Mr. MANSFIELD. Mr. President, was not an agreement made earlier in the day between the majority leader and the minority leader?

Mr. JOHNSON of Texas. Mr. President, persistence and perseverance had nothing whatever to do with fixing the date. The date was arrived at to suit the convenience of a majority of Senators. We stated earlier today that as soon as the Lincoln Day dinners were over, we would come in, and this motion would be made. Any Senator could make the motion.

Mr. HUMPHREY. Mr. President, I had no intention of being unfair to the Senator from Texas.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Arkansas [Mr. McCLELLAN], and the Senator from Montana [Mr. MURRAY] are absent on official business.

I further announce that the Senator from Wyoming [Mr. O'MAHONEY] is absent because of illness.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. KERR], the Senator from Montana [Mr. MURRAY], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

On this vote, the Senator from Hawaii [Mr. LONG] is paired with the Senator from Arkansas [Mr. McCLELLAN]. If present and voting the Senator from Hawaii would vote "yea," and the Senator from Arkansas would vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent on official business of the Joint Committee on Atomic Energy.

The Senator from Kansas [Mr. SCHOEPEL], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] and the Senator from Iowa [Mr. MARTIN] are absent on official business.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

The result was announced—yeas 71, nays 18, as follows:

## YEAS—71

|               |               |                |
|---------------|---------------|----------------|
| Alken         | Dworshak      | McGee          |
| Allott        | Engle         | McNamara       |
| Anderson      | Fong          | Magnuson       |
| Bartlett      | Frear         | Mansfield      |
| Beall         | Gore          | Monroney       |
| Bible         | Green         | Morse          |
| Bridges       | Gruening      | Morton         |
| Bush          | Hart          | Moss           |
| Butler        | Hartke        | Mundt          |
| Byrd, W. Va.  | Hayden        | Muskie         |
| Cannon        | Hennings      | Neuberger      |
| Capehart      | Hickenlooper  | Pastore        |
| Carroll       | Hruska        | Prouty         |
| Case, N.J.    | Humphrey      | Proxmire       |
| Case, S. Dak. | Jackson       | Randolph       |
| Chavez        | Javits        | Saltonstall    |
| Church        | Johnson, Tex. | Smith          |
| Clark         | Keating       | Symington      |
| Cooper        | Kefauver      | Wiley          |
| Cotton        | Kennedy       | Williams, N.J. |
| Curtis        | Kuchel        | Williams, Del. |
| Dirksen       | Langer        | Yarborough     |
| Dodd          | Lausche       | Young, Ohio    |
| Douglas       | McCarthy      |                |

## NAYS—18

|           |                |                |
|-----------|----------------|----------------|
| Byrd, Va. | Holland        | Smathers       |
| Eastland  | Johnston, S.C. | Sparkman       |
| Ellender  | Jordan         | Stennis        |
| Ervin     | Long, La.      | Talmadge       |
| Fulbright | Robertson      | Thurmond       |
| Hill      | Russell        | Young, N. Dak. |

## NOT VOTING—11

|           |              |           |
|-----------|--------------|-----------|
| Bennett   | Long, Hawaii | O'Mahoney |
| Carlson   | McClellan    | Schoeppel |
| Goldwater | Martin       | Scott     |
| Kerr      | Murray       |           |

So Mr. HAYDEN's amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COOPER. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The LEGISLATIVE CLERK. On page 23, between lines 8 and 9, it is proposed to insert the following new title:

## TITLE VI—INTERAGENCY COMMITTEE ON UNDERDEVELOPED REGIONS IN THE UNITED STATES

Sec. 201. (a) There is hereby established in the executive branch of the Government an interagency committee to be known as the Interagency Committee on Underdeveloped Regions in the United States (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of seven members as follows:

(1) Two members to be appointed from the Department of Commerce by the Secretary of Commerce; one of whom shall be from the Office of Area Development and shall serve as Chairman; and one of whom shall be from the Bureau of Public Roads;

(2) Two members to be appointed from the Department of Agriculture by the Secretary of Agriculture, one of whom is an expert in matters pertaining to agriculture and one in matters pertaining to forestry;

(3) One member from the Department of the Interior to be appointed by the Secretary of the Interior;

(4) One member from the Corps of Engineers to be appointed by the Chief of Engineers; and

(5) One member from the Federal Aviation Agency to be appointed by the Administrator of that Agency.

(c) Any vacancy in the Committee shall not affect its powers but shall be filled in the same manner in which the original appointment was made.



(d) Four members of the Committee shall constitute a quorum for the transaction of business.

(e) Members of the Committee shall not receive additional compensation by reason of their service on the Committee but shall be entitled to reimbursement of travel and other necessary expenses incurred by them in carrying out the duties of the Committee.

SEC. 202. (a) It shall be the duty of the Committee to undertake a cooperative investigation and study of the ways and means for developing the potentialities for economic growth of underdeveloped regions in the United States. As used in this title the term "underdeveloped region" refers to any region within the United States which the Committee determines to be economically underdeveloped and may include several counties or municipalities and the whole or parts of one or more of the several States. The Committee shall select, for the purposes of its initial investigation study and recommendation, such area or areas of the United States as it may determine to be representative of underdeveloped areas. Based upon its experiences in such investigation and study, the Committee shall establish criteria for the designation of "underdeveloped regions" including such factors as chronic unemployment, per capita income, the absence or inadequacy of transportation, flood protection, and industrial and agricultural activity, as related to the appropriate national levels.

(b) The study and investigation authorized under the preceding subsection shall be undertaken by the Committee with a view to formulating basic plans utilizing existing Federal, State and local programs and agencies for developing the economic potential of underdeveloped regions. Such plan or plans shall contain both immediate and long-range recommendations for the development of such regions and particularly in the areas of—

- (1) basic communication systems, including roads and airports;
- (2) improvement of agricultural resources by technology suitable for the particular area, including soil conservation and utilization;
- (3) forest conservation and utilization;
- (4) the reclamation and irrigation of land, including drainage;
- (5) flood control and prevention, and the provision of domestic and municipal water supplies;
- (6) industrial development;
- (7) other beneficial and useful purposes not herein enumerated.

Such plans may include recommendations for action by the Federal Government; the States, either singly or by interstate compact, and by local governmental units and may also contain recommendations for action by private groups.

(c) The Committee shall submit its recommendations in a report to the President and the Congress by July 1, 1960. A preliminary report shall be submitted by March 1, 1960. Such reports shall be printed as House or Senate documents.

SEC. 203. (a) The Committee may, in carrying out its duties, hold such hearings, take such testimony, sit and act at such places and times, and incur such expenditures within the limit of available appropriations as the Committee deems necessary. Any member of the Committee may administer oaths or affirmations to witnesses appearing before the Committee. The Committee may, without regard to the civil service laws and the Classification Act of 1949, employ and fix the compensation of such experts, consultants, and other employees, as it deems necessary to assist it in carrying out its duties under this title.

(b) The Committee is authorized to utilize the facilities, information, and personnel of

the departments, agencies, and establishments of the executive branch of the Government which it deems necessary to carry out its duties under this title. Each such department, agency, and instrumentality is authorized to furnish such facilities, information, and personnel to the Committee upon request made by the Chairman. The Committee shall reimburse each such department, agency, and instrumentality for the services of any personnel utilized.

SEC. 204. The Committee shall cease to exist within ninety days after the date of its submission to the President and the Congress of its final report as provided in section 202(c). All property, assets, and records of the Committee shall thereupon be turned over to such agency or agencies in the executive branch as the President shall designate.

SEC. 205. Effective as of the date on which the Committee is duly constituted, there is hereby appropriated to the Committee the sum of \$100,000 to carry out its functions under this title.

Mr. COOPER. Mr. President, let me say that I know my amendment is subject to a point of order. However, the chairman of the Appropriations Committee has been kind enough to permit me to make a brief statement before a point of order is made. Even if the amendment were not subject to a point of order, I would not press at this time for its adoption, because I do not think it is wholly relevant to this bill.

But I wanted at this time to call to the attention of the Senate, and also to the attention of the executive branch of the Government, the issues to which my amendment relates.

If my amendment were in regular order and were adopted and enacted into law, it would establish an interagency committee from the departments and agencies of the Federal Government on the underdeveloped areas and depressed area in the United States. During the last year our country has made a remarkable recovery from the recession of 1958. Our Nation has reached new peaks in the gross national product, in total employment, in wages and personal income, peaks which the country has never before known. Yet it remains a fact that many areas of the country continue to be depressed, with large numbers of unemployed; and many other areas of the country can properly still be called underdeveloped.

The Senator from Illinois [Mr. Douglas] and other Senators, including myself, joined in 1958 and 1959, in the introduction of the depressed areas bill. The bill has not been passed by the House of Representatives.

Other bills, having for their purpose the assistance of the depressed areas, such as the community facilities bill, have been introduced, have not been passed by both Houses of the Congress, and have not been favored by the administration.

The amendment before the Senate, which I shall subsequently introduce in the form of a bill, would ask the administration to establish an interagency committee, composed of seven members, with two representatives from the Department of Commerce, one being from the Bureau of Public Roads, one from the Department of the Interior, one

from the Department of Agriculture, one from the Corps of Engineers, and one from the Federal Aviation Agency. The Interagency Commission, in connection with the States and local bodies, would study and make a preliminary report to the President and Congress by March 1, 1960, on means by which the underdeveloped areas in the United States could advance their economic growth.

As we consider tonight aid for underdeveloped countries throughout the world, I press for action at home very sincerely, because I do not believe we can forget that in our own country there are many areas in which serious unemployment exists, and for which long-term plans for development should be established. At least the minimum necessities of such areas—roads, airports, water for industry, agriculture and forestry, industrial development—could be planned, by the cooperative efforts of the Federal Government, State, State compacts, and private bodies.

The Commission could select typical areas, such as the Appalachian regions, of which Kentucky, West Virginia, and Tennessee are parts, and where there is need for basic development.

I wanted to bring this matter to the attention of the Senate, and particularly to the attention of the administration, so that progress can be made before the next session begins. I believe that within the scope of existing programs such as Federal aid for roads, airports, agriculture, forestry, water development, and parks, long-range programs can be worked out to assist the underdeveloped regions and the depressed areas in the United States.

Mr. President, I thank the distinguished Senator from Arizona for his consideration in permitting me to submit the amendment. I know the amendment is subject to a point of order.

I now withdraw my amendment.

Mr. JOHNSON of Texas. Mr. President, may we have the yeas and nays ordered on final passage?

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The yeas and nays having been ordered on final passage of the bill, the clerk will call the roll. The question is on the passage of the bill.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Arkansas [Mr. McCLELLAN], and the Senator from Montana [Mr. MURRAY], are absent on official business.

I further announce that the Senator from Wyoming [Mr. O'MAHONEY] is absent because of illness.



I further announce that, if present and voting, the Senator from Oklahoma [Mr. KERR] is paired with the Senator from Hawaii [Mr. LONG]. If present and voting, the Senator from Oklahoma would vote "nay," and the Senator from Hawaii would vote "yea."

The Senator from Arkansas [Mr. McCLELLAN] is paired with the Senator from Montana [Mr. MURRAY]. If present and voting, the Senator from Arkansas would vote "nay," and the Senator from Montana would vote "yea."

I further announce that if present and voting, the Senator from Wyoming [Mr. O'MAHONEY] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent on official business of the Joint Committee on Atomic Energy.

The Senator from Kansas [Mr. SCHOEPPPEL], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] and the Senator from Iowa [Mr. MARTIN] are absent on official business.

If present and voting, the Senator from Kansas [Mr. CARLSON] would vote "yea."

The Senator from Utah [Mr. BENNETT] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Arizona would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Kansas [Mr. SCHOEPPPEL]. If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from Kansas would vote "nay."

The result was announced—yeas 64, nays 25, as follows:

## YEAS—64

|               |               |                 |
|---------------|---------------|-----------------|
| Aiken         | Engle         | Magnuson        |
| Allott        | Fong          | Mansfield       |
| Anderson      | Gore          | Monroney        |
| Bartlett      | Green         | Morse           |
| Beall         | Hart          | Morton          |
| Bridges       | Hartke        | Moss            |
| Bush          | Hayden        | Mundt           |
| Butler        | Hennings      | Muskie          |
| Byrd, W. Va.  | Hickenlooper  | Neuberger       |
| Cannon        | Holland       | Pastore         |
| Capehart      | Humphrey      | Prouty          |
| Carroll       | Jackson       | Proxmire        |
| Case, N. J.   | Javits        | Randolph        |
| Case, S. Dak. | Johnson, Tex. | Saltonstall     |
| Chavez        | Keating       | Smith           |
| Church        | Kefauver      | Symington       |
| Clark         | Kennedy       | Wiley           |
| Cooper        | Kuchel        | Williams, N. J. |
| Cotton        | Lausche       | Yarborough      |
| Dirksen       | McCarthy      | Young, Ohio     |
| Dodd          | McGee         |                 |
| Douglas       | McNamara      |                 |

## NAYS—25

|           |                 |                |
|-----------|-----------------|----------------|
| Bible     | Gruening        | Smathers       |
| Byrd, Va. | Hill            | Sparkman       |
| Curtis    | Hruska          | Stennis        |
| Dworshak  | Johnston, S. C. | Talmadge       |
| Eastland  | Jordan          | Thurmond       |
| Ellender  | Langer          | Williams, Del. |
| Ervin     | Long, La.       | Young, N. Dak. |
| Frear     | Robertson       |                |
| Fulbright | Russell         |                |

## NOT VOTING—11

|           |              |           |
|-----------|--------------|-----------|
| Bennett   | Long, Hawaii | O'Mahoney |
| Carlson   | McClellan    | Schoeppe  |
| Goldwater | Martin       | Scott     |
| Kerr      | Murray       |           |

So the bill (H.R. 8385) was passed.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. I move to lay down that motion on the table.

The motion to lay on the table was agreed to.

Mr. HAYDEN. Mr. President, I move that the Senate insist upon its amendments, request a conference with the House or Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. MUSKIE in the chair) appointed Mr. HAYDEN, Mr. CHAVEZ, Mr. ELLENDER, Mr. MAGNUSON, Mr. HOLLAND, Mr. JOHNSON of Texas, Mr. BRIDGES, Mr. SALTONSTALL, and Mr. MUNDT conferees on the part of the Senate.

## HOLDING OF INTERNATIONAL EXPOSITION IN THE UNITED STATES

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar 828, Senate Resolution 169. I invite the attention of the Senator from Arkansas [Mr. FULBRIGHT], chairman of the Committee on Foreign Relations, and the Senator from New York [Mr. JAVITS], to the motion.

The PRESIDING OFFICER. The resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A resolution (S. Res. 169) concerning the desirability of holding an international exposition in the United States.

Mr. FULBRIGHT. Mr. President, I should like to have the attention of the Senators from New York [Mr. JAVITS and Mr. KEATING], because we have discussed the resolution before.

As I have announced previously, I had hoped to have motioned up for consideration Senate Resolution 169, which is for the purpose of helping the administration to establish an orderly procedure for going forward with plans for a U.S. World's Fair to be held in 1962.

The resolution does not favor any one city over another. It requests the President to appoint a Commission immediately to select whatever city, in the Commission's judgment, would best serve the interest of the United States as a site for a world's fair.

There has never been such an orderly procedure in the past, but it is felt that such a procedure is necessary because, if we want to hold such a fair, the Government of the United States must make a recommendation on the matter to the International Bureau in Paris when it meets this November.

The procedure outlined in the resolution seems to both the State Department and the Committee on Foreign Relations to be the most sensible way to proceed.

This is an administration resolution. It is not my resolution. It has been approved by the leadership on both sides of the aisle.

So far as I can determine from discussing the matter with Senators on both sides of the aisle, the only opposition to it appears to come from the Senators from New York. If they persist in this opposition, there may be no world's fair at all in the United States. The International Bureau in Paris, which regulates such fairs, has made it clear that it will not talk to individual cities. It will only talk to the Government of the United States, speaking through diplomatic channels.

The administration thinks the resolution is important. The Foreign Relations Committee thought it was sufficiently important to report it unanimously. Time is limited today. If the Senators from New York wish to assume responsibility for killing the resolution by the threat of extended debate, then the RECORD should indicate this clearly.

I am now prepared to ask that the resolution, which has been made the unfinished business, be considered immediately in order to give the President and the State Department Senate guidance and support on handling the matter in the way in which they think it should be handled. If the Senators from New York wish to debate the resolution for a reasonable period of time so that the Senate can proceed with its other important business, I am prepared to have them do so. If they wish to assume responsibility for killing it, the only conclusion to be reached is that they do not wish the matter to be left to the impartial judgment of a group of distinguished citizens to be appointed by the President, who is the leader of their own party.

If the Senators from New York succeed in killing the resolution by threatening to hold up the business of the Senate, I express the hope that the President and the State Department will follow the sense of the resolution anyway. I hope that the President will appoint a commission immediately and will proceed with the determination expressed in the resolution. I know that I express the sentiments of the Committee on Foreign Relations when I say this, and it is my opinion that I also express the sentiments of an overwhelming majority of the Senate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a detailed explanation of the resolution, which I have prepared.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

## PURPOSES OF THE RESOLUTION

Its purpose is to ask the President to explore three questions with respect to holding the next International Exposition in the United States:

1. Will it serve our national interest to be the host nation to the next International Exposition?

2. If so, should we join the International Exposition Bureau which regulates such expositions? This would apparently require Senate ratification.

3. If we decide that it does serve our national interest to hold such an exposition, we ask the President to appoint a Commission to recommend to him where it should be held.











# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

### CONTENTS

Issued September 16, 1959  
For actions of September 15, 1959  
86th-1st, No. 164

|                                  |                           |  |  |
|----------------------------------|---------------------------|--|--|
| Adjournment.....                 | 11                        |  |  |
| Administrative authority.....    | 15, 24, 35                |  |  |
| Appropriations.....              | 1, 10, 16, 18, 39, 40, 45 |  |  |
| Atomic energy.....               | 46                        |  |  |
| Budget.....                      | 20                        |  |  |
| Centennial Celebration.....      | 6                         |  |  |
| Civil defense.....               | 1                         |  |  |
| Claims.....                      | 1                         |  |  |
| Coffee.....                      | 30                        |  |  |
| Commissions.....                 | 28                        |  |  |
| Dairy industry.....              | 49                        |  |  |
| Economics.....                   | 52                        |  |  |
| Education.....                   | 12, 37                    |  |  |
| Employment.....                  | 52                        |  |  |
| Expenditures.....                | 20                        |  |  |
| Exposition.....                  | 1                         |  |  |
| Farm program.....                | 4, 22, 26                 |  |  |
| Fisheries.....                   | 14                        |  |  |
| Food distribution.....           | 2                         |  |  |
| Food-for-peace.....              | 6                         |  |  |
| Foreign aid.....                 | 1, 21, 45                 |  |  |
| Foreign trade.....               | 8, 25, 41, 47, 49         |  |  |
| Hog prices.....                  | 19                        |  |  |
| HIGHLIGHTS: see p. 6             |                           |  |  |
| Inspection services.....         | 47                        |  |  |
| Intergovernmental relations..... | 1                         |  |  |
| Item veto.....                   | 16                        |  |  |
| Lands.....                       | 5, 28, 44                 |  |  |
| Legislative accomplishments..... | 9                         |  |  |
| Marketing.....                   | 23                        |  |  |
| Meat industry.....               | 5, 22                     |  |  |
| Mutual security.....             | 1, 45                     |  |  |
| Onion futures.....               | 17                        |  |  |
| Personnel.....                   | 31                        |  |  |
| Price supports.....              | 22, 30                    |  |  |
| Property.....                    | 33                        |  |  |
| Public debt.....                 | 36                        |  |  |
| Public Law 480.....              | 2, 49                     |  |  |
| Public works.....                | 7                         |  |  |
| Purchasing.....                  | 3                         |  |  |
| Reclamation.....                 | 32, 43, 48                |  |  |
| Recreation.....                  | 38                        |  |  |
| Reorganization.....              | 6                         |  |  |
| Research.....                    | 13                        |  |  |
| Retirement.....                  | 6                         |  |  |
| Rural development.....           | 27                        |  |  |
| Safety.....                      | 34                        |  |  |
| Science and technology.....      | 6                         |  |  |
| Small business.....              | 3, 51                     |  |  |
| Soil bank.....                   | 42                        |  |  |
| Surplus commodities.....         | 2                         |  |  |
| Surplus property.....            | 29                        |  |  |
| Transportation.....              | 1, 6                      |  |  |
| Weather research.....            | 50                        |  |  |

### SENATE

1. APPROPRIATIONS. Both Houses agreed to the conference report on H. R. 8385, the mutual security appropriation bill for 1960, and acted upon amendments which had been reported in disagreement. This bill will now be sent to the President. pp. 18118-20, 18164-72

The conferees agreed to \$550 million for the Development Loan Fund, \$150 million for technical cooperation, \$1,910,000 for ocean freight for voluntary agencies, items for payment of claims against the Government, and a provision prohibiting the use of funds herein appropriated to finance the construction of water or related land-resource projects which do not meet the standards for such projects in the U. S. They deleted the limit on foreign aid for farm production.

The House agreed to the following items in modified amounts, and the Senate concurred in the House action: Civil defense and mobilization functions performed by other Federal agencies, as may be designated by OCDM, \$3,250,000; participation in the century 21 exposition, \$9,000,000; and Advisory Commission on Intergovernmental Relations, \$50,000. pp. 18169, 18119

By a vote of 221 to 81, the House concurred in the Senate amendment to extend the Commission on Civil Rights 2 years and provide \$500,000 for it. pp. 18169-71
2. FOOD DISTRIBUTION; SURPLUS COMMODITIES. Sen. Cooper spoke in support of his amendment to Public Law 480 regarding domestic distribution of surplus food that is made available to foreign countries, and inserted a letter from this Department



listing food commodities sold under Public Law 480 but not donated to needy persons in the U. S. pp. 18072-4

3. PURCHASING; SMALL BUSINESS. Sen. Morse spoke in favor of the recent legislation extending the principle of set-asides for small business in the purchasing and sale of Government property. pp. 18082-4
4. FARM PROGRAM. Sen. Javits gave a report on his activities, including comments on various aspects of the farm program. pp. 18089-92
5. MEAT INDUSTRY. Sen. Humphrey made suggestions for settlement of labor-management disputes in the meat-packing industry. p. 18104
6. BILLS PASSED OVER, without discussion, included: S. 91 and H. R. 4601, to limit to national security cases the instances in which retirement benefits are withheld; H. R. 4012, to provide for a centennial celebration of the establishment of USDA, etc.; H. R. 5140, to extend the Reorganization Act; S. 1617, to adjust legislative jurisdiction over land, etc.; S. 1851, to establish a commission on a Department of Science and Technology; S. 1789, to alleviate freight car shortages; S. 1711, the food-for-peace bill. pp. 18105-7
7. PUBLIC WORKS Committee's report of activities was inserted by Chairman Chavez. pp. 18108-11
8. FOREIGN TRADE. Sen. Keating spoke in favor of the program of marking American products to show country of origin when they are exported, and said he would go abroad to check on the effectiveness of the program. pp. 18111-12
9. LEGISLATIVE ACCOMPLISHMENTS. Sen. Johnson inserted a summary of congressional accomplishments during the session. pp. 18122-53
10. APPROPRIATIONS. Sens. Johnson and Dirksen debated the validity of tables on appropriations which Sen. Johnson has inserted in the Record. pp. 18153-4
11. ADJOURNMENT. Both Houses adjourned sine die. pp. 18155, 18161-2, 18175, 18178 (Under H. J. Res. 531, which is pending for Presidential action, the next regular session will begin at noon Wed., Jan. 6, 1960.)

#### HOUSE

(Continuation of House proceedings of Sept. 14 and 15 following the House recess at 11:15 p. m., Sept. 14)

12. EDUCATIONAL EXCHANGE. Received from the State Department the 21st semiannual report on the international educational exchange program of that Department. p. 18178
13. RESEARCH; SCIENCE. Received from the National Aeronautics and Space Administration a report covering the contracts negotiated by the National Aeronautics and Space Administration during the period Jan. 1 through June 30, 1959. p. 18178
14. FISH. Received from the State Department a proposed bill "to give effect to the Convention Between the United States of America and Cuba for the Conservation of Shrimp"; to Merchant Marine and Fisheries Committee. p. 18178
15. ADMINISTRATION. Received from HEW a proposed bill "to enable the Department of Health, Education and Welfare and its various units to perform their functions more efficiently and effectively by providing them with certain administrative authority." p. 18178



## MUTUAL SECURITY AND RELATED AGENCIES APPROPRIATION ACT, 1960

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SEPTEMBER 15 (legislative day, SEPTEMBER 14), 1959.—Ordered to be printed

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Mr. PASSMAN, from the committee of conference, submitted the following

### CONFERENCE REPORT

[To accompany H.R. 8385]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8385) making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 13, 26, 27, 33, 51, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 20, 22, 23, 24, 28, 29, 30, 36, 38, 40, 41, 42, 43, 44, 45, 47, 48, 52, 56, 60, 65, 66, 67, and 68, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter stricken out and inserted by said amendment insert \$650,000,000, and in addition for *Defense support for Spain*, authorized by section 131(b), \$45,000,000, exclusive of technical cooperation; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$1,820,000; and the Senate agree to the same.



Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the matter stricken out and inserted by said amendment insert:

*SEC. 103. None of the funds herein appropriated for Defense Support, the Development Loan Fund, Special Assistance, or the President's Special Authority and Contingency Fund shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation and other water and related land resource programs and projects proposed for construction within the continental limits of the United States of America as per circular A-47 of the Bureau of the Budget, dated December 31, 1952.*

And the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

Restore the matter stricken out by said amendment amended to read as follows:

*SEC. 108. None of the funds herein appropriated shall be used to carry out the provisions of Section 205(l) of the Mutual Security Act of 1959.*

And the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

#### NATIONAL LABOR RELATIONS BOARD

##### SALARIES AND EXPENSES

*For an additional amount for "Salaries and expenses", including rental of office space in the District of Columbia, \$500,000.*

And the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

#### DEPARTMENT OF THE INTERIOR

##### BUREAU OF INDIAN AFFAIRS

##### Distribution of Funds of the Creek Indians

*For an additional amount for necessary expenses incident to the distribution of funds belonging to members of the Creek Nation of Indians,*



*in accordance with the act of August 1, 1955 (69 Stat. 431), as amended, \$100,000, to remain available until expended.*

And the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*DEPARTMENT OF LABOR*

*LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACTIVITIES*

*Salaries and Expenses*

*For expenses necessary for the performance of the functions vested in the Secretary by the Labor-Management Reporting and Disclosure Act of 1959, including services as authorized by section 15 of the act of August 2, 1946 (5 U.S.C. 55a), and rental of office space in the District of Columbia, \$2,000,000.*

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 31, 32, 34, 35, 37, 39, 46, 49, 50, 53, 54, 57, 58, 61, and 62.

OTTO E. PASSMAN,  
J. VAUGHN GARY,  
CLARENCE CANNON,  
JOHN TABER,  
JOHN J. RHODES,

*Managers on the Part of the House.*

CARL HAYDEN,  
DENNIS CHAVEZ,  
ALLEN J. ELLENDER,  
WARREN G. MAGNUSON,  
SPESSARD L. HOLLAND,  
LYNDON JOHNSON,  
STYLES BRIDGES,  
LEVERETT SALTONSTALL,  
KARL E. MUNDT,

*Managers on the Part of the Senate.*



## STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8385) making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

### TITLE I—MUTUAL SECURITY

#### FUNDS APPROPRIATED TO THE PRESIDENT

##### MILITARY ASSISTANCE

Amendment No. 1: Deletes language proposed by the Senate.

##### DEFENSE SUPPORT

Amendment No. 2: Appropriates \$650,000,000 as proposed by the Senate instead of \$700,000,000 as proposed by the House, and in addition, appropriates \$45,000,000 for Spain instead of \$50,000,000 as proposed by the Senate.

##### DEVELOPMENT LOAN FUND

Amendment No. 3: Appropriates \$550,000,000 as proposed by the House instead \$590,000,000 as proposed by the Senate.

##### TECHNICAL COOPERATION, GENERAL AUTHORIZATION

Amendment No. 4: Appropriates \$150,000,000 as proposed by the House instead of \$160,000,000 as proposed by the Senate.

##### TECHNICAL COOPERATION PROGRAMS OF THE ORGANIZATION OF AMERICAN STATES

Amendment No. 5: Appropriates \$1,200,000 as proposed by the Senate instead of \$1,500,000 as proposed by the House.

##### SPECIAL ASSISTANCE, GENERAL AUTHORIZATION

Amendment No. 6: Appropriates \$245,000,000 as proposed by the Senate, instead of \$200,000,000 as proposed by the House.

##### SPECIAL ASSISTANCE, SPECIAL AUTHORIZATION

Amendment No. 7: Provides the equivalent of \$50,000 in local currencies for the planning for construction of a hospital at the University of Krakow in Poland as proposed by the Senate.



## INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

Amendments Nos. 8 and 9: Appropriate \$7,371,000 as proposed by the Senate instead of \$8,000,000 as proposed by the House, and insert language of a technical nature as proposed by the Senate.

## ESCAPEE PROGRAM

Amendment No. 10: Appropriates \$4,632,000 as proposed by the Senate instead of \$5,200,000 as proposed by the House.

## OCEAN FREIGHT CHARGES, UNITED STATES VOLUNTARY RELIEF AGENCIES

Amendment No. 11: Appropriates \$1,910,000 as proposed by the Senate, instead of \$2,300,000 as proposed by the House.

## GENERAL ADMINISTRATIVE EXPENSES

Amendment No. 12: Appropriates \$38,000,000 as proposed by the Senate instead of \$37,000,000 as proposed by the House.

## ATOMS FOR PEACE

Amendment No. 13: Appropriates \$1,500,000 as proposed by the House instead of \$2,500,000 as proposed by the Senate.

Amendments Nos. 14, 15 and 16: Insert language of a technical nature as proposed by the Senate.

## DEPARTMENT OF STATE

## ADMINISTRATIVE AND OTHER EXPENSES

Amendments Nos. 17 and 18: Insert language in appropriation title as proposed by the Senate; and appropriate \$8,100,000 as proposed by the Senate instead of \$7,900,000 as proposed by the House.

The conferees are agreed that no funds are to be used for the International Development Advisory Board.

## CORPORATION

## LIMITATION ON ADMINISTRATIVE EXPENSES, DEVELOPMENT LOAN FUND

Amendment No. 19: Authorizes not to exceed \$1,820,000 instead of \$1,750,000 as proposed by the House and \$1,890,000 as proposed by the Senate.

## GENERAL PROVISIONS

## SECTION 102

Amendment No. 20: Inserts language of a technical nature as proposed by the Senate.

## SECTION 103

Amendment No. 21: Prohibits the use of funds herein appropriated to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation and other water and related land resource programs and projects proposed for construction within the continental limits of the United States of America as per Circular A 47 of the Bureau of the Budget, dated December 31, 1952.



## SECTION 105

Amendment No. 22: Inserts language of a technical nature as proposed by the Senate.

## SECTION 107

Amendments Nos. 23 and 24: Insert language of a technical nature as proposed by the Senate.

## SECTION 108

Amendment No. 25: Restores House language and corrects citation.

## SECTION 109

Amendment No. 26: Restores House language.

## SECTION 110

Amendment No. 27: Restores House language.

Amendment No. 28: Deletes House language concerning chapter VI of the Mutual Security Act of 1959.

Amendment No. 29: Deletes House language placing restrictions on the employment by private organizations of employees of International Cooperation Administration.

Amendment No. 30: Deletes House language relating to the furnishing of information to Congress.

## SECTION 111

Amendment No. 31: Reported in disagreement.

## SECTION 112

Amendment No. 32: Reported in disagreement.

Amendment No. 33: Deletes language proposed by the Senate. The conferees gave this matter careful consideration and decided that the proposal is impractical.

## SECTION 113

Amendment No. 34: Reported in disagreement.

## TITLE II—DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

### RYUKYU ISLANDS, ARMY

#### CONSTRUCTION OF POWER SYSTEMS, RYUKYU ISLANDS

Amendment No. 35: Reported in disagreement.

## TITLE IV—ADDITIONAL SUPPLEMENTAL APPROPRIATIONS

Amendment No. 36: Inserts title number and heading as proposed by the Senate.



## EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF CIVIL AND DEFENSE MOBILIZATION, SALARIES AND EXPENSES

Amendment No. 37: Reported in disagreement.

## DEPARTMENT OF COMMERCE

Amendment No. 38: Inserts heading as proposed by the Senate.

GENERAL ADMINISTRATION, PARTICIPATION IN CENTURY 21 EXPOSITION

Amendment No. 39: Reported in disagreement.

Amendment No. 40: Inserts heading as proposed by the Senate.

## FEDERAL-AID HIGHWAYS (TRUST FUND)

Amendment No. 41: Appropriates \$188,000,000 as proposed by the Senate.

## HIGHWAY TRUST FUND

Amendment No. 42: Appropriates \$359,000,000 as proposed by the Senate. Since the President has recommended that the repayment be made by June 30, 1960, the conferees have accepted the amendment with the expectation that this will be done without default of existing obligations with the States.

## DISTRICT OF COLUMBIA (DISTRICT OF COLUMBIA FUNDS)

## OPERATING EXPENSES, METROPOLITAN POLICE

Amendment No. 43: Appropriates \$406,000 as proposed by the Senate.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Amendment No. 44: Inserts heading as proposed by the Senate.

## PUBLIC HEALTH SERVICE

Amendment No. 45: Inserts heading as proposed by the Senate.

## GRANTS FOR WASTE TREATMENT WORKS CONSTRUCTION

Amendment No. 46: Reported in disagreement.

## CONSTRUCTION OF INDIAN HEALTH FACILITIES

Amendment No. 47: Appropriates \$200,000 as proposed by the Senate.

## INDEPENDENT OFFICES

Amendment No. 48: Inserts heading as proposed by the Senate.

## ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Amendment No. 49: Reported in disagreement.



## COMMISSION ON CIVIL RIGHTS

## SALARIES AND EXPENSES

Amendment No. 50: Reported in disagreement.

## COMMISSION ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE

## SALARIES AND EXPENSES

Amendment No. 51: Strikes out proposal of the Senate.

## FEDERAL AVIATION AGENCY

Amendment No. 52: Inserts heading as proposed by the Senate.

## EXPENSES

Amendment No. 53: Reported in disagreement.

## ESTABLISHMENT OF AIR NAVIGATION FACILITIES

Amendment No. 54: Reported in disagreement.

## CONSTRUCTION AND DEVELOPMENT, ADDITIONAL WASHINGTON AIRPORT

Amendment No. 55: Strikes out the proposal of the Senate. The conferees feel that this question of sewage treatment for Dulles International Airport should be restudied in the next session of the Congress.

## HISTORICAL AND MEMORIAL COMMISSIONS

Amendment No. 56: Inserts heading.

## FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

Amendment No. 57: Reported in disagreement.

## HUDSON-CHAMPLAIN CELEBRATION COMMISSION

Amendment No. 58: Reported in disagreement.

## NATIONAL LABOR RELATIONS BOARD

Amendment No. 59: Appropriates \$500,000 for salaries and expenses as proposed by the Senate.

## HOUSING AND HOME FINANCE AGENCY

Amendment No. 60: Inserts heading.

Amendment No. 61: Reported in disagreement.

## URBAN PLANNING GRANTS

Amendment No. 62: Reported in disagreement.



## DEPARTMENT OF THE INTERIOR

Amendment No. 63: Appropriates \$100,000 for the Creek Indians as proposed by the Senate.

## DEPARTMENT OF LABOR

Amendment No. 64: Appropriates \$2,000,000 for salaries and expenses, as proposed by the Senate.

## TREASURY DEPARTMENT

Amendment No. 65: Inserts heading.

Amendment No. 66: Appropriates \$300,000 for the Bureau of the Mint, as proposed by the Senate.

Amendment No. 67: Appropriates \$800,000 for the U.S. Coast Guard as proposed by the Senate.

## TITLE V—CLAIMS FOR DAMAGES AND JUDGMENTS

Amendment No. 68: appropriates \$708,137 for claims for damages and judgments, as proposed by the Senate.

OTTO E. PASSMAN,  
J. VAUGHAN GARY,  
CLARENCE CANNON,  
JOHN TABER,  
JOHN J. RHODES,

*Managers on the Part of the House.*

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rights not delegated to the Federal Government are reserved to the States and to the people. A list of the fields that have been delegated to the Federal Government are outlined and listed in the Constitution. If anyone wants to know in what fields the Federal Government has jurisdiction, all that is required is a reading of the Constitution of the United States.

The duty to seek the solution to the problem of juvenile delinquency has never been delegated to the Federal Government. The place to solve juvenile delinquency is, first, in the home. Nothing we can do can replace the influence of parents in the home in rearing children. A great religious leader said, sometime ago, "Give me a child until he is 9 years old, and then you can take him and he will not depart from his training." I think there is a lot of truth in that.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Oregon.

Mr. MORSE. I have been waiting to hear from the Senator from South Carolina. Am I correct in my understanding that the Senator from South Carolina is very much opposed to the passage of this bill in this session?

Mr. THURMOND. That is correct.

Mr. MORSE. Am I correct in my understanding that the Senator from South Carolina is prepared to speak at some length in opposition to this bill, within his rights under the rules, in order to prevent the passage of this bill, if necessary?

Mr. THURMOND. The Senator from Oregon is correct.

Mr. MORSE. I understand, further, the opposition of the Senator from South Carolina can be summed up, generally speaking, behind the promise that it is his opinion that the Federal Government should not involve itself in juvenile delinquency legislation, but that the matter should be left to the States and institutions within the States?

Mr. THURMOND. In essence, that is the opinion of the Senator from South Carolina—first, that the Federal Government has no jurisdiction in the field, under the Constitution; and, second, even if it did, the Senator from South Carolina thinks it would be more advisable to leave this field in the places where it more rightly belongs—in the home, the school, the community, and, if necessary, action by the State.

Mr. MORSE. Mr. President, if the Senator from South Carolina and the acting majority leader will permit an additional comment, several of us have spoken tonight in support of the bill, and several of us have given our reasons as to why we think the bill should be passed. The Senator from South Carolina indicated rather early in the discussion that he was going to do what he could, within his power, to prevent the passage of the bill tonight. I am satisfied that the Senator from South Carolina can do exactly that.

I believe the Senator from South Carolina has outlined his objections to the bill. I do not believe in taking the position that the Senator from South Carolina should be required to continue to argue beyond the point of making his point. The Senator has made his point.

The acting majority leader talked to me a few moments ago with regard to whether I would have any objection to the taking of a recess. I think we ought to recess, so far as my own view is concerned, until 12 o'clock noon, and then reconvene and proceed to consider some other business. I know that suggestion will not prevail, but I hope there may be some other business we can consider, because if the Senator from South Carolina does not want us to pass this bill we shall not be able to pass it.

I do not believe, under the circumstances, now that the Senator has given the outline of the main reasons why he is opposing the bill, we should take the position that we will require the Senator from South Carolina to continue talking in order to prevent the passage of the bill, without turning to some other subject matter or taking a recess for some few minutes, as the Senator from Montana has suggested.

Mr. MANSFIELD. Mr. President, I appreciate the remarks of the Senator from Oregon.

#### ORDER OF BUSINESS

Mr. DOUGLAS. Mr. President, would the Senator be willing to yield to me for a brief statement, with the understanding that the Senator will not lose his right to the floor?

Mr. THURMOND. I am pleased to yield. If the acting majority leader wishes to make a motion to take a recess, I have no objection to that.

Mr. DOUGLAS. Mr. President, sometime before this long night is over and the sun rises I should like to have the opportunity of making a few remarks for the Record. I had thought we had reached a temporary armistice or truce in this struggle, with one side or the other flying the white flag, though it is hard for me to tell which side it is.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DOUGLAS. I do not have the floor.

Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am pleased to yield.

Mr. MANSFIELD. I think, in view of the circumstances, that it might be a good idea for the Senator from South Carolina to yield the floor, to allow the Senator from Illinois to make his remarks. Then, if we have any time after that, we can consider the possibility of a recess, subject to the call of the Chair, depending upon the House action; or, if that is not advisable, returning to the consideration of the bill relating to the world's fair, S. 169.

Mr. THURMOND. The Senator from South Carolina would be pleased to yield to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the Senator from South Carolina may yield to me without losing his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

#### THE ARAB BLOCKADE OF THE SUEZ CANAL

Mr. DOUGLAS. Mr. President, in June I joined with 24 of my colleagues to express concern over the continued Arab blockade of the Suez Canal. It has been a source of deep regret to me that neither the United States nor the United Nations has been able to stop this brazen violation of international law. Instead, we have witnessed the deterioration of Arab-Israel relations, the intensification of the Arab blockade of Israel, the misuse of the Suez Canal to further that blockade, and the weak and ineffective response of the international community.

Mr. President, it so happens that I was in Israel late in 1956, shortly after the Israel invasion of Sinai and the swift and spectacular defeat of the UAR forces. I know that at that time the Israel forces could have occupied the Suez Canal and smashed the Arab blockade, which the UAR carries on in its continuing effort to strangle Israel's trade and economy.

All of us know that the Israel forces withdrew from the Sinai Peninsula at that time in deference to the appeal of our own Government and the United Nations. We have an obligation to Israel. They withdrew at our insistence; they cooperated in the attainment of a swift settlement.

At that time they might have insisted on an explicit undertaking by the United States and the U.N. to redress the grievances which had impelled them to attack. Yet, such an undertaking was implicit from the action we took. When President Eisenhower persuaded Israel to withdraw he virtually pledged the United States to take strong action to prevent the UAR from renewing its blockade of the Suez Canal and the Straits of Tiran.

Mr. President, we have kept half our promise. The Straits of Tiran are open. But Nasser continues to operate the Suez Canal as a private waterway. And early this year, after 24 months of calm, he reinstated his blockade of Israel shipping.

This is an impossible situation. If we continue to tolerate it, we are admitting that nations may carry on wars against their neighbors, and that there is no redress either in the U.N. or in Washington. Indeed, the war makers remain eligible for American and free world bounty.

That is why, Mr. President, I have joined with my colleagues in a protest against the proposal of the World Bank to lend the UAR the money to widen and deepen the Suez Canal.

I have sent my appeal to the President of the United States. And, in addition, I have sent the following letter to Presi-



dent Eugene R. Black, of the World Bank:

HON. EUGENE R. BLACK,  
President, International Bank for Recon-  
struction and Development, Washington,  
D.C.

DEAR MR. BLACK: I write to urge the World Bank to withhold action on the proposed loan to the United Arab Republic for the improvement of the Suez Canal until there is a clear and unequivocal agreement guaranteeing its use as an international waterway open to the shipping of all nations.

Since there has been much public discussion of this issue, it is surely unnecessary for me to review all the arguments, pro and con.

But I do feel that I must put my own views before you. I feel that my own country, as the leader of the free world, has an obligation to take a firm stand on this question. As a great maritime power, we have always fought to preserve freedom of the seas. We have taken a consistent position on the Suez question, opposing restrictions on the use of that waterway. I do not see how we can retreat from that position at this time. And, while I appreciate that the administration and management of the World Bank are not the responsibilities of the United States, our country has a very great stake in every issue affecting war and peace, including those before the World Bank.

This proposed loan for the Suez Canal is an issue which may affect world peace. I am completely familiar with all the aspects of the Arab-Israel dispute. I have followed it closely from the beginning. I know the arguments on both sides. And I know that both parties feel aggrieved.

But one paramount fact remains uncontradicted and must command attention. The Israelis have always asked for peace negotiations. The UAR and the Arab States have rejected all such negotiations and officially proclaim their determination to remain at war with Israel and to accomplish her destruction.

The blockade of the Suez Canal is one of the weapons in that Arab war. They make no secret of it. They should it to the press, on the radio and in the halls of the U.N. General Assembly.

And they have recently been meeting in Casablanca to beat the war drums anew and to resolve again on Israel's dissolution.

All this is illegal. It violates the principles of the United Nations. No nation, owing allegiance to the United Nations, may remain at war with its neighbors. Furthermore, free and open transit through the canal was a basic principle in the U.N. Security Council Resolution of 1951 and in the 1956 resolution, which Egypt presumably accepted in principle.

Under these circumstances, it is most difficult to understand how the United Nations or any one of its specialized agencies could properly provide President Nasser with the means to improve and widen the canal at the very time that he is using his blockade weapons against Israel. I hope that the World Bank may never be called upon to explain such an action to history.

We have too long tolerated Arab aggression as a normal condition. I appeal to you to help strengthen the character and integrity of United Nations and free world policy by denying free world dollars to piracy and aggression.

If I write strongly on this issue, it is because I want my words faithfully to mirror my convictions.

With best wishes.

Faithfully,

PAUL H. DOUGLAS.

I hope that when the State Department and the World Bank reflect further on the situation, they will come to

the conclusion that the free world must not provide dollars to subsidize piracy and aggression.

Mr. President, I ask unanimous consent that these remarks may be printed in the permanent RECORD with the remarks made during the morning hour.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. I thank the Presiding Officer, and I thank the Senator from South Carolina.

Mr. THURMOND. Mr. President, I shall be pleased to yield to the acting majority leader, if he wishes to make a motion.

## RECESS

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

Mr. JOHNSON of Texas. Mr. President, the House has started debate on the conference report. I am informed that the House does not anticipate a discussion of longer than a few minutes. If it is not necessary to have a rollcall in the House, the conference report will be in the Senate shortly, and we expect to act with dispatch.

Mr. MANSFIELD. Mr. President, I renew my motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and (at 3 o'clock and 26 minutes a.m.) on Tuesday, September 15, 1959, the Senate took a recess, subject to the call of the Chair.

At 5 o'clock and 46 minutes a.m. of the same day, the Senate reassembled when called to order by the Vice President.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two House on the amendments of the Senate to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 31, 32, 34, 35, 37, 39, 49, 58, and 62 to the bill, and concurred therein severally with an amendment, in which it requested the concurrence of the Senate.

## MUTUAL SECURITY APPROPRIATION BILL, 1960—CONFERENCE REPORT

Mr. HAYDEN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The VICE PRESIDENT. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HAYDEN. Mr. President, I move that the conference report be agreed to.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to.

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 8385, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,  
September 15, 1959.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 46, 50, 53, 54, 57, and 61 to the bill (H.R. 8385) entitled "An act making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes," and concur therein:

That the House recede from its disagreement to the amendment to the amendment numbered 31, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 111. (a) Within sixty days following the date of enactment of this Act, the President shall transmit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report containing a full and complete revision of the data presented to such committees in justification of appropriations requested for the Mutual Security program for the fiscal year 1960, showing any changes in such program approved subsequent to such presentation, including changes necessary to reflect actual appropriations, for the program.

"(b) Within thirty days following the approval of any change in the Mutual Security program for the fiscal year 1960, which will result in furnishing assistance of a kind, for a purpose, in an area, or in an amount, different from that described in the report transmitted under subsection (a), and which involves \$1,000,000 or more, or 5 per centum of the amount appropriated under any paragraph of this title, whichever is the lesser, the President shall transmit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a full and complete report of such change and the reasons therefor.

"(c) This section shall not apply to programs authorized by section 451 of the Mutual Security Act of 1954, as amended.

"(d) None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, in any country, or with respect to any project or activity, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriations for, or expenditures of, the International Cooperation Administration, has delivered to the office of the Director of the International Cooperation Administration a written request that it be



furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee or subcommittee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden its being furnished pursuant to such request, and his reason for so doing."

That the House recede from its disagreement to the amendment of the Senate numbered 32, and concur therein with an amendment, as follows: Change the section number to "112", and in line 2 of said amendment, strike the words "under present conditions".

That the House recede from its disagreement to the amendment of the Senate numbered 34, and concur therein with an amendment, as follows: Change the section number to "113".

That the House recede from its disagreement to the amendment of the Senate num-

bered 35, and concur therein with an amendment, as follows: In line 4 of the text of the amendment, after the word "for", insert the words "completion of".

That the House recede from its disagreement to the amendment of the Senate numbered 37, and concur therein with an amendment, as follows: In lieu of the sum of \$6,500,000 named in said amendment, insert "\$3,250,000".

That the House recede from its disagreement to the amendment of the Senate numbered 39, and concur therein with an amendment, as follows: In lieu of the sum of \$12,500,000 named in said amendment, insert "\$9,000,000", and delete the proviso carried in the last three lines of the amendment.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "\$50,000".

That the House recede from its disagreement to the amendment of the Senate numbered 58, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "\$25,000".

That the House recede from its disagreement to the amendment of the Senate numbered 62, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "\$750,000".

Mr. HAYDEN. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 31, 32, 34, 35, 37, 39, 49, 58, and 62.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to.

Mr. HAYDEN. Mr. President, I ask unanimous consent that there be placed in the RECORD at this point a summary tabulation relating to H.R. 8385, the mutual security and related agencies appropriations bill, showing the budget estimates, the House and Senate versions of the bill, and the amounts agreed upon in conference.

There being no objection, the summary tabulation was ordered to be printed in the RECORD, as follows:

*Mutual Security and related agencies appropriation bill, 1960, H.R. 8385*

COMPARATIVE STATEMENT OF APPROPRIATIONS FOR 1959, ESTIMATES FOR 1960, AND AMOUNTS RECOMMENDED IN BILL FOR 1960

| Items                                                                                       | Appropriations,<br>1959 | Budget estimates,<br>1960 <sup>1</sup> | House bill              | Senate bill             | Conference<br>action    |
|---------------------------------------------------------------------------------------------|-------------------------|----------------------------------------|-------------------------|-------------------------|-------------------------|
| <b>TITLE I—MUTUAL SECURITY</b>                                                              |                         |                                        |                         |                         |                         |
| Military assistance.....                                                                    | \$1,515,000,000         | \$1,600,000,000                        | \$1,300,000,000         | \$1,300,000,000         | \$1,300,000,000         |
| Defense support.....                                                                        | 750,000,000             | 835,000,000                            | 700,000,000             | 700,000,000             | 695,000,000             |
| Development Loan Fund:                                                                      |                         |                                        |                         |                         |                         |
| Appropriation, 1960.....                                                                    | 550,000,000             | 700,000,000                            | 550,000,000             | 590,000,000             | 550,000,000             |
| Appropriation, 1961.....                                                                    |                         | <sup>2</sup> 500,000,000               |                         |                         |                         |
| Administrative expense limitation.....                                                      | (1,250,000)             | (2,050,000)                            | (1,750,000)             | (1,890,000)             | (1,820,000)             |
| Technical cooperation:                                                                      |                         |                                        |                         |                         |                         |
| General authorization.....                                                                  | 150,000,000             | 179,500,000                            | 150,000,000             | 160,000,000             | 150,000,000             |
| United Nations expanded program.....                                                        | 20,000,000              | 30,000,000                             | 30,000,000              | 30,000,000              | 30,000,000              |
| Organization of American States.....                                                        | 1,500,000               | 1,500,000                              | 1,500,000               | 1,200,000               | 1,200,000               |
| Total, technical cooperation.....                                                           | 171,500,000             | 211,000,000                            | 181,500,000             | 191,200,000             | 181,200,000             |
| Special assistance.....                                                                     | 200,000,000             | 271,800,000                            | 200,000,000             | 245,000,000             | 245,000,000             |
| Other programs:                                                                             |                         |                                        |                         |                         |                         |
| Intergovernmental Committee of European Migration.....                                      | 12,500,000              | 12,200,000                             | 8,000,000               | 7,371,000               | 7,371,000               |
| United Nations High Commissioner for Refugees.....                                          | 1,200,000               | 1,100,000                              | 1,100,000               | 1,100,000               | 1,100,000               |
| Escapee program.....                                                                        | 8,600,000               | 5,200,000                              | 5,200,000               | 4,632,000               | 4,632,000               |
| United Nations Children's Fund.....                                                         | 11,000,000              | 12,000,000                             | 12,000,000              | 12,000,000              | 12,000,000              |
| United Nations Relief and Works Agency.....                                                 | 25,000,000              | 25,000,000                             | 25,000,000              | 25,000,000              | 25,000,000              |
| Ocean freight charges.....                                                                  | 2,100,000               | 2,300,000                              | 2,300,000               | 1,910,000               | 1,910,000               |
| Control Act expenses.....                                                                   | 1,000,000               | ( <sup>3</sup> )                       |                         |                         |                         |
| General administrative expenses.....                                                        | 33,000,000              | 39,500,000                             | 37,000,000              | 38,000,000              | 38,000,000              |
| State Department administrative expenses.....                                               | 6,692,500               | <sup>3</sup> 8,395,000                 | 7,900,000               | 8,100,000               | 8,100,000               |
| Atoms for peace.....                                                                        | 5,500,000               | 6,500,000                              | 1,500,000               | 2,500,000               | 1,500,000               |
| Total, other programs.....                                                                  | 106,592,500             | 112,195,000                            | 100,000,000             | 100,613,000             | 99,613,000              |
| President's Special Authority and Contingency Fund.....                                     | 155,000,000             | 200,000,000                            | 155,000,000             | 155,000,000             | 155,000,000             |
| Total, title I—Mutual Security.....                                                         | 3,448,092,500           | 4,429,995,000                          | 3,186,500,000           | 3,281,813,000           | 3,225,813,000           |
| <b>TITLE II—DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS</b>                                      |                         |                                        |                         |                         |                         |
| Administration, Ryukyu Islands.....                                                         | 2,860,400               | 6,282,000                              | 5,282,000               | 5,282,000               | 5,282,000               |
| Construction of water systems, Ryukyu Islands.....                                          | 600,000                 | ( <sup>4</sup> )                       |                         | 18,000,000              | 18,000,000              |
| Construction of power systems, Ryukyu Islands.....                                          |                         |                                        |                         |                         |                         |
| Total, title II.....                                                                        | 3,460,400               | 6,282,000                              | 5,282,000               | 23,282,000              | 23,282,000              |
| <b>TITLE III—EXPORT-IMPORT BANK OF WASHINGTON</b>                                           |                         |                                        |                         |                         |                         |
| Administrative expense limitation.....                                                      | ( <sup>2</sup> 207,000) | ( <sup>2</sup> 500,000)                | ( <sup>2</sup> 500,000) | ( <sup>2</sup> 500,000) | ( <sup>2</sup> 500,000) |
| <b>TITLE IV—ADDITIONAL SUPPLEMENTAL APPROPRIATIONS<br/>(S. Doc. 47 EXCEPT AS INDICATED)</b> |                         |                                        |                         |                         |                         |
| <b>EXECUTIVE OFFICE OF THE PRESIDENT</b>                                                    |                         |                                        |                         |                         |                         |
| Office of Civil and Defense Mobilization: Salaries and expenses.....                        |                         | <sup>5</sup> 9,000,000                 |                         | 6,500,000               | 3,250,000               |
| <b>DEPARTMENT OF COMMERCE</b>                                                               |                         |                                        |                         |                         |                         |
| General administration: Participation in Century 21 Exposition.....                         |                         | 12,500,000                             |                         | 12,500,000              | 9,000,000               |
| Bureau of Public Roads:                                                                     |                         |                                        |                         |                         |                         |
| Federal-aid highways (trust fund).....                                                      |                         | <sup>6</sup> (188,000,000)             |                         | (188,000,000)           | (188,000,000)           |
| Highway trust fund.....                                                                     |                         | <sup>6</sup> 359,000,000               |                         | 359,000,000             | 359,000,000             |
| Total, Department of Commerce.....                                                          |                         | 371,500,000                            |                         | 371,500,000             | 368,000,000             |

Footnotes at end of table.



*Mutual Security and related agencies appropriation bill, 1960, H.R. 8385—Continued*

COMPARATIVE STATEMENT OF APPROPRIATIONS FOR 1959, ESTIMATES FOR 1960, AND AMOUNTS RECOMMENDED IN BILL FOR 1960

| Items                                                                                     | Appropriations,<br>1959 | Budget esti-<br>mates, 1960 <sup>1</sup> | House bill      | Senate bill   | Conference<br>action |
|-------------------------------------------------------------------------------------------|-------------------------|------------------------------------------|-----------------|---------------|----------------------|
| <b>DISTRICT OF COLUMBIA</b>                                                               |                         |                                          |                 |               |                      |
| Metropolitan Police.....                                                                  |                         |                                          |                 | (\$406,000)   | (\$406,000)          |
| <b>DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE</b>                                       |                         |                                          |                 |               |                      |
| Public Health Service: Construction of Indian health facilities.....                      |                         |                                          |                 | 200,000       | 200,000              |
| <b>INDEPENDENT OFFICES <sup>2</sup></b>                                                   |                         |                                          |                 |               |                      |
| Advisory Commission on Intergovernmental Relations.....                                   |                         |                                          |                 | 100,000       | 50,000               |
| Commission on Civil Rights: Salaries and expenses.....                                    |                         | \$500,000                                |                 | 500,000       | 500,000              |
| Commission on International Rules and Judicial Procedure: Salaries and ex-<br>penses..... |                         | 34,000                                   |                 | 34,000        |                      |
| Federal Aviation Agency:                                                                  |                         |                                          |                 |               |                      |
| Expenses.....                                                                             |                         | Language                                 |                 | Language      | Language             |
| Establishment of air navigation facilities.....                                           |                         | Language                                 |                 | Language      | Language             |
| Construction and development: Additional Washington National Airport.....                 |                         | (2,450,000)                              |                 | 2,450,000     |                      |
| Franklin D. Roosevelt Memorial Commission.....                                            |                         | 150,000                                  |                 | 150,000       | 150,000              |
| Hudson-Champlain Celebration Commission.....                                              |                         | 35,000                                   |                 | 35,000        | 25,000               |
| National Labor Relations Board: Salaries and expenses.....                                |                         | 500,000                                  |                 | 500,000       | 500,000              |
| Housing and Home Finance Agency: Office of the Administrator:                             |                         |                                          |                 |               |                      |
| Salaries and expenses.....                                                                |                         | 290,000                                  |                 | 290,000       | 290,000              |
| Urban planning grants.....                                                                |                         | 3,100,000                                |                 | 1,000,000     | 760,000              |
| Total, independent offices.....                                                           |                         | 4,574,000                                |                 | 5,059,000     | 2,265,000            |
| <b>DEPARTMENT OF THE INTERIOR</b>                                                         |                         |                                          |                 |               |                      |
| Bureau of Indian Affairs: Distribution of funds of the Creek Indians.....                 |                         | 125,000                                  |                 | 100,000       | 100,000              |
| <b>DEPARTMENT OF LABOR</b>                                                                |                         |                                          |                 |               |                      |
| Labor-management reporting and disclosure activities: Salaries and expenses.....          |                         | 2,000,000                                |                 | 2,000,000     | 2,000,000            |
| <b>TREASURY DEPARTMENT</b>                                                                |                         |                                          |                 |               |                      |
| Bureau of the Mint: Salaries and expenses.....                                            |                         | 300,000                                  |                 | 300,000       | 300,000              |
| Coast Guard: Operating expenses.....                                                      |                         | (800,000)                                |                 | 800,000       | 800,000              |
| Total, Treasury Department.....                                                           |                         | 300,000                                  |                 | 1,100,000     | 1,100,000            |
| Total, title IV.....                                                                      |                         | 387,499,000                              |                 | 386,459,000   | 376,915,000          |
| <b>TITLE V</b>                                                                            |                         |                                          |                 |               |                      |
| Claims for damages and judgments <sup>3</sup> .....                                       |                         | 708,137                                  |                 | 708,137       | 708,137              |
| Grand total.....                                                                          | \$3,451,552,900         | 4,824,484,137                            | \$3,191,782,000 | 3,692,262,137 | 3,626,718,137        |

<sup>1</sup> In addition, all unobligated balances continued available as proposed in H. Doc. 188.<sup>2</sup> Amended estimate for fiscal year 1961 program received on July 24, 1959, in H. Doc. 205.<sup>3</sup> The program for Control Act will be financed in fiscal year 1960 from State Department Administrative Expenses, sec. 411(c).<sup>4</sup> Estimate of \$10,000,000 contained in H. Doc. 58 for partial funding denied in consideration of Second Supplemental Appropriation Act, 1959.<sup>5</sup> S. Doc. 49.<sup>6</sup> S. Doc. 54.<sup>7</sup> S. Doc. 55.<sup>8</sup> S. Docs. 48 and 56.

Mr. HAYDEN. Mr. President, I ask unanimous consent that there be placed in the RECORD at this point a summary tabulation of appropriation bills for the 86th Congress, 1st session. The tabu-

lation shows that there were considered in this session estimates totaling \$74,859,008,445, and the Congress has approved \$72,977,598,352, which is a reduction of \$1,881,410,093.

There being no objection, the summary tabulation was ordered to be printed in the RECORD, as follows:



## SENATE COMMITTEE ON APPROPRIATIONS

## Table of appropriation bills, 86th Cong., 1st sess.

|               | Title                        | House                    |               |                    |             | Senate           |               |                    |             | Conference       |                     |                      | Public law      |               | Increase or decrease compared to budget estimates |
|---------------|------------------------------|--------------------------|---------------|--------------------|-------------|------------------|---------------|--------------------|-------------|------------------|---------------------|----------------------|-----------------|---------------|---------------------------------------------------|
|               |                              | Budget estimate to House | Date reported | Amount as reported | Date passed | Amount as passed | Date reported | Amount as reported | Date passed | Amount as passed | Date House approved | Date Senate approved | Amount          | Date approved |                                                   |
|               | 1960 APPROPRIATIONS, REGULAR |                          |               |                    |             |                  |               |                    |             |                  |                     |                      |                 |               |                                                   |
| H.R. 7175     | Agriculture                  | \$4,081,364,863          | 5/15          | \$3,939,165,498    | 5/20        | \$3,939,165,498  | 5/28          | \$3,975,505,148    | 6/3         | \$3,975,774,848  | 6/29                | 6/30                 | \$3,971,362,673 | 7/8           | 86-80                                             |
| H.R. 8283     | Atomic Energy                | 2,718,715,000            | 7/17          | 2,660,529,000      | 7/21        | 2,660,529,000    | 7/31          | 2,711,829,000      | 8/3         | 2,711,829,000    | 8/3                 | 8/3                  | 2,683,029,000   | 8/18          | 86-164                                            |
| H.R. 7349     | Commerce                     | 732,191,000              | 5/25          | 674,687,300        | 5/28        | 673,297,300      | 6/16          | 713,328,500        | 6/18        | 713,328,500      | 7/1                 | 7/1                  | 712,672,900     | 7/13          | 83-88                                             |
| H.R. 7454     | Defense                      | 39,248,200,000           | 5/28          | 38,848,339,000     | 6/3         | 38,848,339,000   | 7/7           | 39,594,339,000     | 7/14        | 39,594,339,000   | 8/4                 | 8/4                  | 39,228,239,000  | 8/18          | 83-166                                            |
| H.R. 5676     | District of Columbia         | (246,698,000)            | 3/13          | (237,186,112)      | 3/16        | (237,186,112)    | 5/21          | (241,569,402)      | 5/23        | (241,702,402)    | 7/14                | 7/14                 | (241,289,076)   | 7/23          | 86-104                                            |
|               | Federal payment              | 34,218,000               |               | 27,218,000         |             | 27,218,000       |               | 29,351,000         |             | 29,351,000       | 7/14                | 7/14                 | 27,218,000      |               | -7,000,000                                        |
| H.R. 7176     | General Government           | 13,608,500               | 5/15          | 13,338,500         | 5/27        | 13,338,500       | 6/22          | 13,568,500         | 6/24        | 13,568,500       | 6/29                | 6/29                 | 13,463,500      | 7/8           | 86-79                                             |
| H.R. 7040     | Independent Offices          | 6,586,418,000            | 5/8           | 6,459,887,800      | 5/11        | 6,459,887,800    | 6/22          | 6,561,578,600      | 6/23        | 6,561,578,600    | 9/4                 | 9/4                  | 6,504,382,200   | 9/14          | 86-255                                            |
| H.R. 5915     | Interior                     | 491,101,400              | 3/20          | 472,198,800        | 3/23        | 472,198,800      | 6/5           | 487,211,025        | 6/8         | 487,211,025      | 6/15                | 6/15                 | 481,809,100     | 6/23          | 86-60                                             |
| H.R. 6769     | Labor-HEW                    | 3,756,848,581            | 4/23          | 3,915,084,181      | 4/30        | 3,915,084,181    | 6/16          | 4,124,460,581      | 6/24        | 4,124,460,581    | 7/30                | 7/30                 | 4,016,485,981   | 8/14          | 86-158                                            |
| H.R. 7453     | Legislative                  | 105,460,005              | 5/28          | 100,279,350        | 6/1         | 100,279,350      | 8/20          | 128,797,380        | 8/21        | 128,797,380      | 8/17                | 8/18                 | 128,797,380     | 8/21          | 86-176                                            |
| H.R. 8573     | Military Construction        | 1,563,200,000            | 8/7           | 1,285,002,700      | 8/10        | 1,285,002,700    | 9/14          | 1,428,178,700      | 9/14        | 1,428,178,700    | 9/4                 | 9/4                  | 1,363,981,200   |               | -4,886,800                                        |
| H.R. 8385     | Mutual Security              | 4,436,277,000            | 7/24          | 3,209,782,000      | 7/29        | 3,191,752,000    | 7/8           | 3,691,269,508      | 7/9         | 3,692,262,137    | 8/14                | 8/14                 | 3,626,718,137   |               | -199,238,800                                      |
| H.R. 7509     | Public Works                 | (1,185,406,259)          | 6/2           | (1,185,406,259)    | 6/9         | (1,185,406,259)  | 7/8           | (1,265,565,559)    | 7/9         | (1,265,565,559)  | 8/14                | 8/17                 | (1,215,477,808) | (1)           | -1,197,766,000                                    |
| H.R. 9105     | Public Works                 | 1,185,406,259            | 9/4           | 1,185,406,259      |             | 1,185,406,259    |               | 1,185,406,259      |             | 1,185,406,259    |                     |                      |                 |               | (+30,071,549)                                     |
| H.R. 7343     | State-Justice-Judicial       | 682,387,600              | 5/21          | 649,896,700        | 5/27        | 651,886,700      | 6/22          | 650,674,700        | 6/23        | 650,924,700      | 7/1                 | 7/1                  | 1,185,309,093   | (2)           | -97,166                                           |
| H.R. 5805     | Treasury-Post Office         | 4,638,327,000            | 3/18          | 4,628,097,000      | 3/20        | 4,628,097,000    | 5/21          | 4,663,158,600      | 5/23        | 4,664,027,600    | 6/3                 | 6/3                  | 4,648,363,000   | 7/13          | 86-84                                             |
|               | Total, Regular               | 70,323,723,208           |               | 68,049,996,922     |             | 68,049,996,922   |               | 69,960,426,335     |             | 69,962,940,664   |                     |                      | 69,235,752,364  |               | -1,504,366,156                                    |
|               | 1960 SUPPLEMENTAL            |                          |               |                    |             |                  |               |                    |             |                  |                     |                      |                 |               |                                                   |
| H.R. 7978     | The supplemental             | 888,831,417              | 6/26          | 632,568,845        | 6/29        | 609,843,845      | 7/31          | 1,076,186,108      | 8/3         | 1,076,186,108    | 8/19                | 8/19                 | 977,345,608     | 9/1           | 86-213                                            |
| H.J. Res. 439 | Temporary                    |                          | 6/25          |                    | 6/30        |                  | 6/30          |                    | 6/30        |                  |                     |                      |                 | 7/1           | 86-76                                             |
| H.J. Res. 475 | do.                          |                          | 7/28          |                    | 7/29        |                  | 7/29          |                    | 8/31        |                  |                     |                      |                 | 7/31          | 86-118                                            |
| H.J. Res. 510 | do.                          |                          |               |                    | 8/31        |                  |               |                    |             |                  |                     |                      |                 | 9/3           | 86-224                                            |
|               | Total, 1960                  | 71,212,654,625           |               | 68,682,565,767     |             | 68,663,268,767   |               | 71,036,612,443     |             | 71,039,126,772   |                     |                      | 70,213,097,972  |               | -1,745,111,103                                    |
|               | 1959 SUPPLEMENTAL            |                          |               |                    |             |                  |               |                    |             |                  |                     |                      |                 |               |                                                   |
| H.R. 5916     | 2d Supplemental              | 2,864,954,526            | 3/20          | 2,479,522,494      | 3/24        | 2,657,402,994    | 4/18          | 2,820,040,054      | 4/30        | 2,843,902,805    | 5/14                | 5/14                 | 2,794,500,380   | 5/20          | 86-30                                             |
|               | Total for session            | \$74,077,609,151         |               | 71,162,088,261     |             | 71,320,671,761   |               | 73,856,652,497     |             | 73,883,029,577   |                     |                      | 72,977,598,352  |               | -1,881,410,093                                    |

1 Vetoed.  
 2 Veto overridden.  
 3 Includes \$500,000,000 for 1961 (Development Loan Fund).

Note.—Table does not include loan authorizations contained in appropriation bills. Budget requests for 1960 for loan authorizations were \$423,401,000; amount enacted was \$455,300,000, or \$31,900,000 over the budget estimates.



# NOTIFICATION TO THE PRESIDENT OF THE UNITED STATES

Mr. JOHNSON of Texas and Mr. DIRKSEN, the committee appointed on the part of the Senate to wait upon the President of the United States, appeared in the center aisle, and Mr. JOHNSON of Texas said: Mr. President, I report that the committee appointed to notify the President that the two Houses were ready to adjourn, unless the President had further communication to make to them, has performed its duty, and the President informed them that he had no further communication to make to them.

## SUMMARY OF LEGISLATIVE ACTIVITY DURING THE 1ST SESSION OF THE 86TH CONGRESS

### A PRODUCTIVE CONGRESS

Mr. JOHNSON of Texas. Mr. President, we are in the closing hours of one of the most unusual sessions of Congress in our history.

It has been a long session. It has been a hard-working session. It has been a session which encountered the problems that are bound to arise when a government is divided.

But the length and the work and the difficulties are only incidental to the really important fact so far as the American people are concerned. The basic reality is that it has been a productive session in terms of the national needs.

### EFFECTIVE ACTION

The Senate has moved in many fields, including the following:

First. Statehood: This session of Congress provided for the admission of Hawaii as a State.

Second. Racketeering: An effective law was enacted to clamp down on thieves and hoodlums preying on honorable labor, management, and the public.

Third. Economy: This session of Congress cut over \$1,300 million from the President's appropriation requests—plus \$500 million that had been requested for 1961.

Fourth. Housing: This session Congress enacted a \$1,100 million housing bill.

Fifth. Airports: A Federal aid to airports bill totaling \$126 million for 2 years was enacted by this session of Congress.

Sixth. Health: This session Congress provided the funds for the largest crash program in history to attack cancer and heart disease and other killing and crippling diseases.

Seventh. Water conservation: This session of Congress enacted—over a veto—a comprehensive water conservation and rivers and harbors measure.

Eighth. Civil rights: This session of Congress extended the Civil Rights Commission and liberalized the cloture rules of the Senate.

Ninth. International: This session of Congress expanded the World Bank and the International Monetary Fund.

Tenth. Western Hemisphere: This session of Congress established the Inter-American Bank to strengthen the

economic position of the nations of the Western Hemisphere.

Eleventh. Cultural exchange: This session of Congress took the first step toward establishing in the new State of Hawaii a cultural institution to serve as a bridge of understanding between the scholars of the East and West.

Twelfth. Defense: This session of Congress provided the flexibility needed to accelerate the missile research program; maintained the strength of the National Guard and Reserve forces; applied money taken from nonessential projects to such vital military programs as antisubmarine warfare and research and development; and extended the draft.

Thirteenth. Veterans: This session of Congress passed a Veterans Pension Act to improve the system of caring for our Nation's veterans; enacted a hundred-million-dollar GI housing bill; and the Senate passed a GI bill of rights for "cold war" veterans.

Fourteenth. Unemployment: The Senate approved an investigation of depressed areas and passed a depressed areas bill.

Fifteenth. Railroad employees: The Congress liberalized railroad retirement.

Sixteenth. Federal employees: A Federal employees health insurance bill was passed.

Seventeenth. Water pollution: This session of Congress passed comprehensive legislation to attack the problem of water pollution.

Eighteenth. TVA: This session of Congress enacted the TVA financing bill.

Nineteenth. Youth: The Senate passed legislation to establish a Youth Conservation Corps.

Twentieth. City problems: The Senate passed a Metropolitan Problems Commission and a home-rule bill for the District of Columbia.

Twenty-first. International health: The Senate approved the health for peace program.

Twenty-second. Atomic energy: 43 new atomic energy projects were approved.

Twenty-third. Surpluses: This session of Congress extended and improved the Agricultural Trade Development Act.

Twenty-fourth. Agriculture: This session of Congress approved a program to find new uses for agricultural products.

Twenty-fifth. Economic problems: This session of Congress launched an inventory of the Nation's economic problems as a step leading to further action in this field.

### SOLID AND SUBSTANTIAL

Partisans, of course, will seek to interpret the record of this Congress to serve their own ends. None of us is immune to a touch of partisanship.

But, no matter how we interpret what happened, the fact remains that many things did happen. And those things are solid and substantial and enduring. If this Congress had done nothing but pass the antiracketeering law, it would deserve a place in history.

There are many people who deserve credit for this measure—and they are on both sides of the aisle. I would not seek

to add to nor detract from the credit that belongs to any individual. But I believe we are all aware of the fact that the conditions which led to this bill were first brought into the open by the Senate select committee.

We must all concede, in our moments of candor, that legislation reflects the collective judgment of the Members of Congress. We must share in both the credit and the blame—and the shares are rarely parceled out on the basis of partisan affiliations.

Members of Congress can share in the credit for the prudent reductions made in Government spending.

In this we followed a long and well-established path. The President traditionally requests more money than the Congress is willing to grant. The Executive agencies spend the money, and it is normal for them to want more than the legislative will approve.

That is why, in addition to the substantial cut of at least \$1,300 million made this year, the Congress has sliced \$10,600 million from the appropriations requested by the President from fiscal 1955 through fiscal 1959.

### DIVIDED GOVERNMENT

There were some fields in which we ran into considerable difficulty. This difficulty can be understood when it is realized our Congress was under the control of one party and the Executive under the control of another.

When Government is divided, public officials are faced with a choice of doing something or doing nothing—of creating laws or creating issues. In a divided Government, no one group can have everything exactly as desired.

Furthermore, in a divided Government certain constitutional powers can assume a disproportionate influence—particularly when one branch of Government assumes a negative attitude toward pressing problems. In such circumstances, the forces of inertia can block the forces of action.

Twice this Congress passed housing bills in which every effort had been made to meet the Executive more than halfway. Each time those bills were vetoed.

A third effort—admittedly meeting only minimum needs—has been made because a housing bill is more important than a political issue.

Twice this Congress passed farm bills designed to meet specific, pressing situations. Each time, those bills were vetoed—and the Congress did not receive the cooperation from the Executive agencies which would have enabled it to work out a new approach.

Twice this Congress had to pass a water conservation bill—the second time over a veto. In every one of the projects in the bill, the benefits exceeded the cost. The total appropriation in the second bill was less than that requested by the President.

To have deferred construction of these projects would merely have meant postponement to a time when construction costs could well be higher. This would have been of little value to our fiscal position and of no value to those who need the projects.



## OHIO

Robert C. Ridenour, Berea.  
 Donald T. Kirk, Christiansburg.  
 Garold B. Fish, Englewood.  
 Elizabeth M. Domer, Hartville.  
 Wayne E. Laibe, Lima.  
 Walter A. Luse, Loudonville.  
 Edward A. Hunt, Mechanicsburg.  
 Emmett R. Brush, Jr., Piqua.  
 James F. Austen, Shreve.  
 Elsie L. Bitner, Vandalia.

## OKLAHOMA

Fred B. Taylor, Wann.  
 Beulah G. Wallace, Wilburton.

## OREGON

Marion E. Haigh, Jordan Valley.  
 Richard A. Gordon, Oceanlake.

## PENNSYLVANIA

Wilbur D. Walker, Bigler.  
 Samuel R. Brenneman, Boiling Springs.  
 Harry M. Showalter, Ephrata.  
 William H. Dyroff, Jersey Shore.  
 Claude B. Faust, Macungie.  
 Frank A. Todd, Sr., McKeesport.  
 James D. Kinsley, Pocono.  
 Douglas A. Portzline, Selinsgrove.  
 Mable E. Puterbaugh, Shawanese.  
 John D. Watts, Sheffield.  
 Matthew Spiranac, Smock.  
 Isadore B. Oberman, Southampton.  
 Robert F. Tredway, Stewartstown.  
 Harry S. Anderson, Waynesburg.

## SOUTH CAROLINA

John A. Hines, Chesnee.

## SOUTH DAKOTA

Harry W. Lehman, Edgemont.  
 James B. Babcock, Hill City.  
 Carl R. Blank, Jr., Ipswich.

## TENNESSEE

Robert E. Barrows, Lookout Mountain.

## TEXAS

Frank R. Summers, Alief.  
 Geneva L. Barton, Anna.  
 Marion Lee Neal, Baytown.  
 Harley R. Ammons, Ben Wheeler.  
 William M. Sumner, Carrollton.  
 James R. Flowers, Chico.  
 J. F. Grimes, DeSoto.  
 Lewis R. Marvin, Duncanville.  
 Charles O. Onstead, Sr., Ennis.  
 Esma A. Kingston, Fluvanna.  
 Etta L. Chamberlain, Gores.  
 Lamon Burnett, Hillsboro.  
 Rex L. Alexander, Jayton.  
 Tom E. Friery, Palacios.  
 Robert C. Watson, Plains.  
 Vera F. Thomas, Point Comfort.  
 Dixie L. Shaw, Port Bolivar.  
 Helen M. Saint John, Progreso.  
 James R. Burras, Windom.

## UTAH

Lynn J. Iverson, Tremonton.

## VIRGINIA

Raymond J. Thomas, Dahlgren.  
 Ollie M. Brooks, Red Ash.  
 Rupert D. Snead, Jr., Scottsburg.  
 Edward G. Gildersleeve, Scottsville.

## WISCONSIN

William P. Taylor, Rhinelander.  
 Herbert W. Radue, Two Rivers.  
 Theresa A. Rainsford, Washington Island.  
 Hubert H. Jaech, Wonewoc.

## REGULAR ARMY

The nominations of Donald B. Holland and 233 other officers for promotion in the Regular Army, which were received on September 10, 1959.

## IN THE AIR FORCE

Richard W. Abbott and 3,231 other officers for promotion in the Air Force, which were received by the Senate on September 9, 1959.

Col. Robert F. McDermott, 9782A, Regular Air Force, for appointment as dean of the faculty, U.S. Air Force Academy, under the provisions of section 9335, title 10, of the United States Code, with rank of brigadier general.

## IN THE MARINE CORPS

Maj. Gen. David Monroe Shoup, U.S. Marine Corps, to be Commandant of the Marine Corps with the rank of general for a period of 4 years from the first day of January 1960.

The following-named officers of the Marine Corps to be placed on the retired list with the grade indicated pursuant to the provisions of title 10, United States Code, section 5233:

## TO BE LIEUTENANT GENERALS

Verne J. McCaul.  
 Robert E. Hogaboom.



# House of Representatives

TUESDAY, SEPTEMBER 15, 1959

[House proceedings of September 14, 1959]

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 3 o'clock and 25 minutes a.m., Tuesday, September 15, 1959.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills, a joint resolution, and a concurrent resolution of the House of the following titles:

H.R. 3254. An act for the relief of Thomas Forman Screven, Julia Screven Daniels, and May Bond Screven Rhodes;

H.R. 4938. An act to amend the Agricultural Adjustment Act of 1938 to extend for 2 years the definition of "peanuts" which is now in effect;

H.R. 5733. An act for the relief of Park National Bank;

H.R. 7452. An act for the relief of William B. Jackson;

H.R. 8392. An act to amend the District of Columbia Stadium Act of 1957 with respect to motor-vehicle parking areas, and for other purposes;

H.R. 8685. To amend the Internal Revenue Code of 1954 to provide for the Presidential appointment of a Chief Counsel for the Internal Revenue Service, and for other purposes;

H.J. Res. 531. Joint resolution establishing that the second regular session of the 86th Congress convene at noon on Wednesday, January 6, 1960; and

H. Con. Res. 439. Concurrent resolution authorizing the Speaker of the House of Representatives and the President of the Senate to sign enrolled bills.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4192. An act to prohibit the examination in District of Columbia courts of any minister of religion in connection with communications made by or to him in his professional capacity, without the consent of the parties to such communications.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2105. An act to amend the laws relating to Saint Elizabeths Hospital so as to fix the salaries of the superintendent, assistant superintendent, and first assistant physician of the hospital, and for other purposes.

The message also announced that the Senate had passed a resolution, as follows:

### SENATE RESOLUTION 200

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join a similar committee of the House of

Representatives to notify the President of the United States that the two Houses have completed the business of the session and are ready to adjourn unless he has some further communication to make to them.

## MUTUAL SECURITY APPROPRIATION BILL, 1960

Mr. PASSMAN submitted the following conference report and statement on the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

### CONFERENCE REPORT (H. REPT. No. 1190)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8385) making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 13, 26, 27, 33, 51, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 20, 22, 23, 24, 28, 29, 30, 36, 38, 40, 41, 42, 43, 44, 45, 47, 48, 52, 56, 60, 65, 66, 67, and 68, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment insert "\$650,000,000, and in addition for Defense support for Spain, authorized by section 131(b), \$45,000,000, exclusive of technical cooperation," and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$1,820,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment insert:

"Sec. 103. None of the funds herein appropriated for Defense Support, the Development Loan Fund, Special Assistance, or the President's Special Authority and Contingency Fund shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation and other water and related land resource programs and projects proposed for construction within the continental limits of the United States of America as per circular A-47 of the Bureau of the Budget, dated December 31, 1952."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amend-

ment of the Senate numbered 25, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows:

"SEC. 108. None of the funds herein appropriated shall be used to carry out the provisions of Section 205(i) of the Mutual Security Act of 1959."

And the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

### "NATIONAL LABOR RELATIONS BOARD

#### "Salaries And Expenses

"For and additional amount for 'Salaries and expenses', including rental of office space in the District of Columbia, \$500,000."

And the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

### "DEPARTMENT OF THE INTERIOR

#### "Bureau of Indian Affairs

"Distribution of Funds of the Creek Indians

"For an additional amount for necessary expenses incident to the distribution of funds belonging to members of the Creek Nation of Indians, in accordance with the act of August 1, 1955 (69 Stat. 431), as amended, \$100,000, to remain available until expended."

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

### "DEPARTMENT OF LABOR

"Labor-management reporting and disclosure activities

#### "Salaries and Expenses

"For expenses necessary for the performance of the functions vested in the Secretary by the Labor-Management Reporting and Disclosure Act of 1959, including services as authorized by section 15 of the act of August 2, 1946 (5 U.S.C. 55a), and rental of office space in the District of Columbia, \$2,000,000."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 31, 32, 34, 35, 37, 39, 46, 49, 50, 53, 54, 57, 58, 61, and 62.

OTTO E. PASSMAN,  
J. VAUGHN GARY,  
CLARENCE CANNON,  
JOHN TABER,  
JOHN J. RHODES,

Managers of the Part of the House.

CARL HAYDEN,  
DENNIS CHAVEZ,  
ALLEN J. ELLENDER,  
WARREN G. MAGNUSON,  
SPESSARD L. HOLLAND,  
LYNDON JOHNSON,  
STYLES BRIDGES,  
LEVERETT SALTONSTALL,  
KARL E. MUNDT,

Managers on the Part of the Senate.



## STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8385) making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

## TITLE I—MUTUAL SECURITY

*Funds appropriated to the President**Military Assistance*

Amendment No. 1: Deletes language proposed by the Senate.

*Defense Support*

Amendment No. 2: Appropriates \$650,000,000 as proposed by the Senate instead of \$700,000,000 as proposed by the House, and in addition, appropriates \$45,000,000 for Spain instead of \$50,000,000 as proposed by the Senate.

*Development Loan Fund*

Amendment No. 3: Appropriates \$550,000,000 as proposed by the House instead of \$590,000,000 as proposed by the Senate.

*Technical Cooperation, General Authorization*

Amendment No. 4: Appropriates \$150,000,000 as proposed by the House instead of \$160,000,000 as proposed by the Senate.

*Technical Cooperation Programs of the Organization of American States*

Amendment No. 5: Appropriates \$1,200,000 as proposed by the Senate instead of \$1,500,000 as proposed by the House.

*Special Assistance, General Authorization*

Amendment No. 6: Appropriates \$245,000,000 as proposed by the Senate, instead of \$200,000,000 as proposed by the House.

*Special Assistance, Special Authorization*

Amendment No. 7: Provides the equivalent of \$50,000 in local currencies for the planning for construction of a hospital at the University of Krakow in Poland as proposed by the Senate.

*Intergovernmental Committee for European Migration*

Amendments Nos. 8 and 9: Appropriate \$7,371,000 as proposed by the Senate instead of \$8,000,000 as proposed by the House, and insert language of a technical nature as proposed by the Senate.

*Escapee Program*

Amendment No. 10: Appropriates \$4,632,000 as proposed by the Senate instead of \$5,200,000 as proposed by the House.

*Ocean Freight Charges, United States Voluntary Relief Agencies*

Amendment No. 11: Appropriates \$1,910,000 as proposed by the Senate, instead of \$2,300,000 as proposed by the House.

*General Administrative Expenses*

Amendment No. 12: Appropriates \$38,000,000 as proposed by the Senate instead of \$37,000,000 as proposed by the House.

*Atoms for Peace*

Amendment No. 13: Appropriates \$1,500,000 as proposed by the House instead of \$2,500,000 as proposed by the Senate.

Amendments Nos. 14, 15, and 16: Insert language of a technical nature as proposed by the Senate.

*Department of State**Administrative and Other Expenses*

Amendments Nos. 17 and 18: Insert language in appropriation title as proposed by the Senate; and appropriate \$8,100,000 as proposed by the Senate instead of \$7,900,000 as proposed by the House.

The conferees are agreed that no funds are to be used for the International Development Advisory Board.

*Corporation**Limitation on Administrative Expenses, Development Loan Fund*

Amendment No. 19: Authorizes not to exceed \$1,820,000 instead of \$1,750,000 as proposed by the House and \$1,890,000 as proposed by the Senate.

*General Provisions**Section 102*

Amendment No. 20: Inserts language of a technical nature as proposed by the Senate.

*Section 103*

Amendment No. 21: Prohibits the use of funds herein appropriated to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the continental limits of the United States of America as per Circular A 47 of the Bureau of the Budget, dated December 31, 1952.

*Section 105*

Amendment No. 22: Inserts language of a technical nature as proposed by the Senate.

*Section 107*

Amendments Nos. 23 and 24: Insert language of a technical nature as proposed by the Senate.

*Section 108*

Amendment No. 25: Restores House language and corrects citation.

*Section 109*

Amendment No. 26: Restores House language.

*Section 110*

Amendment No. 27: Restores House language.

Amendment No. 28: Deletes House language concerning chapter VI of the Mutual Security Act of 1959.

Amendment No. 29: Deletes House language placing restrictions on the employment by private organizations of employees of International Cooperation Administration.

Amendment No. 30: Deletes House language relating to the furnishing of information to Congress.

*Section 111*

Amendment No. 31: Reported in disagreement.

*Section 112*

Amendment No. 32: Reported in disagreement.

Amendment No. 33: Deletes language proposed by the Senate. The conferees gave this matter careful consideration and decided that the proposal is impractical.

*Section 113*

Amendment No. 34: Reported in disagreement.

## TITLE II—DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

*Ryukyu Islands, Army*

Construction of power systems, Ryukyu Islands

Amendment No. 35: Reported in disagreement.

## TITLE IV—ADDITIONAL SUPPLEMENTAL APPROPRIATIONS

Amendment No. 36: Inserts title number and heading as proposed by the Senate.

*Executive Office of the President*

Office of Civil and Defense Mobilization, Salaries and Expenses

Amendment No. 37: Reported in disagreement.

*Department of Commerce*

Amendment No. 38: Inserts heading as proposed by the Senate.

*General Administration, Participation in Century 21 Exposition*

Amendment No. 39: Reported in disagreement.

Amendment No. 40: Inserts heading as proposed by the Senate.

*Federal-Aid Highways (Trust Fund)*

Amendment No. 41: Appropriates \$188,000,000 as proposed by the Senate.

*Highway Trust Fund*

Amendment No. 42: Appropriates \$359,000,000 as proposed by the Senate. Since the President has recommended that the repayment be made by June 30, 1960, the conferees have accepted the amendment with the expectation that this will be done without default of existing obligations with the States.

*District of Columbia (District of Columbia funds)**Operating Expenses, Metropolitan Police*

Amendment No. 43: Appropriates \$406,000 as proposed by the Senate.

*Department of Health, Education, and Welfare*

Amendment No. 44: Inserts heading as proposed by the Senate.

*Public Health Service*

Amendment No. 45: Inserts heading as proposed by the Senate.

*Grants for Waste Treatment Works Construction*

Amendment No. 46: Reported in disagreement.

*Construction of Indian Health Facilities*

Amendment No. 47: Appropriates \$200,000 as proposed by the Senate.

*Independent offices*

Amendment No. 48: Inserts heading as proposed by the Senate.

*Advisory Commission on Intergovernmental Relations*

Amendment No. 49: Reported in disagreement.

*Commission on Civil Rights**Salaries and Expenses*

Amendment No. 50: Reported in disagreement.

*Commission on International Rules of Judicial Procedure**Salaries and Expenses*

Amendment No. 51: Strikes out proposal of the Senate.

*Federal Aviation Agency*

Amendment No. 52: Inserts heading as proposed by the Senate.

*Expenses*

Amendment No. 53: Reported in disagreement.

*Establishment of Air Navigation Facilities*

Amendment No. 54: Reported in disagreement.

*Construction and Development, Additional Washington Airport*

Amendment No. 55: Strikes out the proposal of the Senate. The conferees feel that this question of sewage treatment for Dulles International Airport should be restudied in the next session of the Congress.

*Historical and Memorial Commissions*

Amendment No. 56: Inserts heading.

*Franklin Delano Roosevelt Memorial Commission*

Amendment No. 57: Reported in disagreement.

*Hudson-Champlain Celebration Commission*

Amendment No. 58: Reported in disagreement.



*National Labor Relations Board*

Amendment No. 59: Appropriates \$500,000 for salaries and expenses as proposed by the Senate.

*Housing and Home Finance Agency*

Amendment No. 60: Inserts heading.  
Amendment No. 61: Reported in disagreement.

*Urban Planning Grants*

Amendment No. 62: Reported in disagreement.

*Department of the Interior*

Amendment No. 63: Appropriates \$100,000 for the Creek Indians as proposed by the Senate.

*Department of Labor*

Amendment No. 64: Appropriates \$2,000,000, for salaries and expenses, as proposed by the Senate.

*Treasury Department*

Amendment No. 65: Inserts heading.  
Amendment No. 66: Appropriates \$300,000 for the Bureau of the Mint, as proposed by the Senate.  
Amendment No. 67: Appropriates \$800,000 for the U.S. Coast Guard as proposed by the Senate.

**TITLE V—CLAIMS FOR DAMAGES AND JUDGMENTS**  
Amendment No. 68: appropriates \$708,137 for claims for damages and judgments, as proposed by the Senate.

OTTO E. PASSMAN,  
J. VAUGHN GARY,  
CLARENCE CANNON,  
JOHN TABOR,  
JOHN J. RHODES,

*Managers on the Part of the House.*

Mr. PASSMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the statement.

Mr. GROSS. Mr. Speaker, consideration of this bill (H.R. 8385) under the circumstances that exist is a sad and sorry commentary on the orderly processes of enacting legislation.

This is supposed to be a foreign aid bill, but it has become an omnibus appropriation bill and a deficiency appropriation bill. It is a bill containing nearly a score of provisions wholly unrelated to the foreign handout program.

It is, in fact, a package wrapped in the gold foil of \$3½ billion to \$4 billion, and dealing with just about everything from the welfare of the Creek Indians to the natives of Timbuktu.

Nor have the bureaucrats in Washington and elsewhere over the world been overlooked. There is money for the new commissions, and some of the old ones will get a blood transfusion out of the treasury.

How many Members of the House remember that the foreign handout bill passed the House and was sent to the other body on July 29? In what incubator was it left to hatch for a month and a half, and for what reason?

Now it comes back to the House, loaded with amendments, many of them

completely ungermane to foreign aid, and the House, afflicted with adjournment fever, is asked to virtually apply a rubberstamp of approval.

This is the height of irresponsibility, for all of these spending provisions, unrelated to foreign aid, ought to have come before the House in a separate bill or bills so that the Members could work their will upon them.

No Member of the House should cheer upon the ending of this session. Rather should there be sober reflection and determination in the dark hours of this night that never again will the House of Representatives permit such stultification of its deliberative processes.

Mr. Speaker, I will vote against this bill because of the outrageous and unjustified burden it places upon the American people and because of the circumstances in which this multibillion-dollar measure now comes before the House.

Mr. PASSMAN. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mr. GROSS. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 194, nays 109, not voting 132, as follows:

[Roll No. 175]

YEAS—194

|               |                 |                 |
|---------------|-----------------|-----------------|
| Albert        | Flynn           | Levering        |
| Arends        | Fogarty         | Libonati        |
| Ashley        | Foley           | Lindsay         |
| Aspinall      | Forand          | Lipscomb        |
| Avery         | Ford            | McDowell        |
| Ayres         | Frelinghuysen   | McFall          |
| Baldwin       | Friedel         | McIntire        |
| Barry         | Fulton          | Machrowicz      |
| Bates         | Gallagher       | Mack, Ill.      |
| Becker        | Gary            | Madden          |
| Beckworth     | George          | Magnuson        |
| Boggs         | Gialmo          | Mahon           |
| Boland        | Goodell         | May             |
| Bolling       | Granahan        | Marrow          |
| Bolton        | Green, Oreg.    | Meyer           |
| Bow           | Griffin         | Miller, Clem    |
| Boyle         | Griffiths       | Miller,         |
| Brademas      | Hagen           | George P.       |
| Breeding      | Halleck         | Miller, N.Y.    |
| Brewster      | Halpern         | Milliken        |
| Brooks, Tex.  | Hechler         | Mills           |
| Burke, Ky.    | Hoeven          | Moeller         |
| Burke, Mass.  | Holland         | Monagan         |
| Bush          | Holt            | Montoya         |
| Byrne, Pa.    | Holtzman        | Moorhead        |
| Byrnes, Wis.  | Ikard           | Morgan          |
| Cahill        | Inouye          | Morris, N. Mex. |
| Cannon        | Irwin           | Multer          |
| Carnahan      | Jackson         | Murphy          |
| Cederberg     | Jarman          | Natcher         |
| Celler        | Johnson, Calif. | Nelsen          |
| Chamberlain   | Johnson, Colo.  | Nix             |
| Chelf         | Johnson, Md.    | Norblad         |
| Chenoweth     | Johnson, Wis.   | O'Brien, Ill.   |
| Clark         | Judd            | O'Hara, Ill.    |
| Coffin        | Karsten         | O'Hara, Mich.   |
| Conte         | Karth           | O'Neill         |
| Cook          | Kasem           | Oliver          |
| Cooley        | Kastenmeier     | Osmers          |
| Corbett       | Kearns          | Ostertag        |
| Curtin        | Kee             | Passman         |
| Curtis, Mass. | Keith           | Philbin         |
| Daddario      | Kelly           | Pirnie          |
| Dague         | Kilday          | Price           |
| Daniels       | King, Calif.    | Prokop          |
| Dawson        | King, Utah      | Pucinski        |
| Denton        | Kirwan          | Quigley         |
| Diggs         | Kiuczynski      | Rabaut          |
| Dingell       | Kowalski        | Randall         |
| Donohue       | Lafore          | Ray             |
| Doyle         | Laird           | Reuss           |
| Dulski        | Lane            | Rhodes, Ariz.   |
| Dwyer         | Langen          | Rhodes, Pa.     |
| Fascell       | Lankford        | Robison         |
| Fenton        | Lesinski        | Rodino          |

Rogers, Colo.  
Rogers, Mass.  
Rooney  
Saund  
Schenck  
Schwengel  
Sheppard  
Slack  
Smith, Iowa  
Springer

Staggers  
Stratton  
Sullivan  
Taber  
Thompson, N.J.  
Thompson, Tex.  
Thornberry  
Toll  
Trimble  
Udall

Vanik  
Van Zandt  
Wainwright  
Walter  
Widnall  
Wilson  
Wolf  
Wright  
Yates  
Zablocki

NAYS—109

Abbitt  
Abernethy  
Alexander  
Alford  
Alger  
Allen  
Andersen,  
Minn.  
Andrews  
Ashmore  
Bailey  
Baring  
Bass, Tenn.  
Belcher  
Bennett, Fla.  
Bennett, Mich.  
Bonner  
Boykin  
Brock  
Brown, Ga.  
Budge  
Burleson  
Casey  
Church  
Colmer  
Cramer  
Cunningham  
Davis, Ga.  
Derwinski  
Dorn, S.C.  
Dowdy  
Downing  
Elliott  
Everett  
Fisher  
Flynt  
Forrester

Fountain  
Frazier  
Gathings  
Grant  
Gray  
Gross  
Haley  
Hardy  
Hargis  
Harmon  
Harris  
Harrison  
Hemphill  
Henderson  
Hoffman, Ill.  
Hogan  
Huddleston  
Hull  
Jennings  
Jensen  
Johansen  
Jonas  
Jones, Ala.  
Kilgore  
Kitchin  
Knox  
Landrum  
Latta  
Lennon  
McCulloch  
McGinley  
McMillan  
McSween  
Mack, Wash.  
Mason  
Matthews  
Meador

Mitchell  
Moore  
Morris, Okla.  
Moulder  
Norrell  
O'Konski  
Patman  
Pfof  
Poff  
Preston  
Rains  
Rees, Kans.  
Rivers, S.C.  
Roberts  
Rogers, Fla.  
Rogers, Tex.  
Roush  
Rutherford  
Scherer  
Scott  
Selden  
Sikes  
Smith, Miss.  
Smith, Va.  
Steed  
Teague, Tex.  
Thomas  
Thompson,  
Wyo.  
Tuck  
Wampler  
Whitener  
Whitten  
Williams  
Willis  
Winstead  
Young

NOT VOTING—132

|              |                |                |
|--------------|----------------|----------------|
| Adair        | Evins          | Poage          |
| Addonizio    | Fallon         | Porter         |
| Anderson,    | Farbstain      | Powell         |
| Mont.        | Felgha         | Quie           |
| Anfuso       | Fino           | Reece, Tenn.   |
| Auchincloss  | Flood          | Riehlman       |
| Baker        | Garmatz        | Riley          |
| Barden       | Gavin          | Rivers, Alaska |
| Barr         | Glenn          | Roosevelt      |
| Barrett      | Green, Pa.     | Rostenkowski   |
| Bass, N.H.   | Gubser         | St. George     |
| Baumhart     | Hall           | Santangelo     |
| Bentley      | Hays           | Saylor         |
| Berry        | Healey         | Shelley        |
| Betts        | Hébert         | Shipley        |
| Blatnik      | Herlong        | Short          |
| Blitch       | Hess           | Siler          |
| Bosch        | Hiestand       | Simpson, Ill.  |
| Bowles       | Hoffman, Mich. | Simpson, Pa.   |
| Bray         | Holifield      | Sisk           |
| Brooks, La.  | Horan          | Smith, Calif.  |
| Broomfield   | Hosmer         | Smith, Kans.   |
| Brown, Mo.   | Jones, Mo.     | Spence         |
| Brown, Ohio  | Keogh          | Stubblefield   |
| Broyhill     | Kilburn        | Taylor         |
| Buckley      | Loser          | Teague, Calif. |
| Burdick      | McCormack      | Teller         |
| Canfield     | McDonough      | Thompson, La.  |
| Carter       | McGovern       | Tollefson      |
| Chilperfield | Macdonald      | Ullman         |
| Coad         | Mailliard      | Utt            |
| Cohelan      | Marshall       | Van Pelt       |
| Collier      | Martin         | Vinson         |
| Curtis, Mo.  | Metcalf        | Wallhauser     |
| Davis, Tenn. | Michel         | Watts          |
| Delaney      | Minshall       | Weaver         |
| Dent         | Morrison       | Weis           |
| Derounian    | Moss           | Westland       |
| Devine       | Mumma          | Wharton        |
| Dixon        | Murray         | Wier           |
| Dollinger    | O'Brien, N.Y.  | Withrow        |
| Dooley       | Pelly          | Younger        |
| Dorn, N.Y.   | Perkins        | Zelenko        |
| Durham       | Pilcher        |                |
| Edmondson    | Pillion        |                |

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Brooks of Louisiana against.



Mr. Hébert for, with Mr. Dent against.  
 Mr. Vinson for, with Mr. Pilcher against.  
 Mr. Buckley for, with Mr. Hall against.  
 Mr. Baumhart for, with Mrs. Blitch against.  
 Mr. Adonizio for, with Mr. Herlong against.  
 Mr. Morrison for, with Mr. Barden against.  
 Mr. Anfuso for, with Mr. Loser against.  
 Mr. Delaney for, with Mr. Murray against.  
 Mr. Martin for, with Mr. Simpson of Illinois against.  
 Mr. Taylor for, with Mr. Michel against.  
 Mr. Auchincloss for, with Mr. Collier against.  
 Mr. Simpson of Pennsylvania for, with Mr. Bentley against.  
 Mr. Younger for, with Mr. Hoffman of Michigan against.  
 Mr. Dollinger for, with Mr. Durham against.  
 Mr. Santangelo for, with Mr. Thompson of Louisiana against.  
 Mr. Green of Pennsylvania for, with Mr. Riley against.  
 Mr. Walhauser for, with Mr. Reece of Tennessee against.  
 Mr. Hays for, with Mr. Siler against.  
 Mr. Garmatz for, with Mr. Devine against.  
 Mr. Teague of California for, with Mr. Adair against.  
 Mr. Westland for, with Mr. Utt against.  
 Mr. Farbstein for, with Mr. Hiestand against.  
 Mr. Healey for, with Mr. Bray against.  
 Mr. Zelenko for, with Mr. Smith of California against.  
 Mr. Teller for, with Mr. Wharton against.  
 Mr. McCormack for, with Mr. Smith of Kansas against.  
 Mr. Fallon for, with Mr. McDonough against.  
 Mr. Roosevelt for, with Mr. Weaver against.

#### Until further notice:

Mr. Hollifield with Mr. Brown of Ohio.  
 Mr. Anderson of Montana with Mr. Withrow.  
 Mr. Rivers of Alaska with Mr. Bass of New Hampshire.  
 Mr. McGovern with Mr. Canfield.  
 Mr. Cochran with Mr. Tollefson.  
 Mr. Edmondson with Mrs. St. George.  
 Mr. Feighan with Mr. Saylor.  
 Mr. O'Brien of New York with Mr. Betts.  
 Mr. Metcalf with Mr. Broomfield.  
 Mr. Watts with Mr. Chipperfield.  
 Mr. Ullman with Mr. Baker.  
 Mr. Stubblefield with Mr. Curtis of Missouri.  
 Mr. Sisk with Mr. Derounian.  
 Mr. Shelly with Mr. Fino.  
 Mr. Barrett with Mr. Hess.  
 Mr. Blatnik with Mr. Gubser.  
 Mr. Coad with Mr. Minshall.  
 Mr. Flood with Mr. Peilly.  
 Mr. Powell with Mr. Broyhill.  
 Mr. Rostenkowski with Mr. Berry.  
 Mr. Macdonald with Mr. Riehlman.  
 Mr. Evins with Mr. Van Pelt.  
 Mr. Moss with Mr. Qule.  
 Mr. Carter with Mr. Piliion.  
 Mr. Burdick with Mr. Mailliard.  
 Mr. Bowles with Mr. Kilburn.  
 Mr. Marshall with Mr. Horan.  
 Mr. Porter with Mr. Hosmer.  
 Mr. Davis of Tennessee with Mr. Glenn.  
 Mr. Brown of Missouri with Mr. Gavin.  
 Mr. Barr with Mr. Dooley.  
 Mr. Shipley with Mr. Bosch.  
 Mr. Spence with Mr. Dorn of New York.  
 Mr. Wier with Mr. Dixon.  
 Mr. Perkins with Mr. Mumma.

Mr. BECKWORTH and Mr. BOGGS changed their vote from "nay" to "yea."

Mr. BARING and Mr. MEADER changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: Page 8, after line 13, insert:

"Sec. 108. (a) Within sixty days following the date of enactment of this Act, the President shall transmit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report containing a full and complete revision of the data presented to such committees in justification of appropriations requested for the Mutual Security program for the fiscal year 1960, showing any changes in such program approved subsequent to such presentation, including changes necessary to reflect actual appropriations for the program.

"(b) Within thirty days following the approval of any change in the Mutual Security program for the fiscal year 1960, which will result in furnishing assistance of a kind, for a purpose, in an area, or in an amount, different from that described in the report transmitted under subsection (a), and which involves \$1,000,000 or more or 5 per centum of the amount appropriated under any paragraph of this title, whichever is the lesser, the President shall transmit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a full and complete report of such change and the reasons therefor.

"(c) This section shall not apply to programs authorized by section 451 of the Mutual Security Act of 1954, as amended.

"(d) None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, in any country, or with respect to any project or activity, after the expiration of the thirty-five-day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriations for, or expenditures of, the International Cooperation Administration, has delivered to the office of the Director of the International Cooperation Administration a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee or subcommittee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he considers the disclosure of such document, paper, communication, audit, review, finding, recommendation, report, or other material to be contrary to the public interest and has forbidden its being furnished pursuant to such request."

Mr. PASSMAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 31, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"Sec. 111. (a) Within sixty days following the date of enactment of this Act, the President shall transmit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report containing a full

and complete revision of the data presented to such committees in justification of appropriations requested for the Mutual Security program for the fiscal year 1960, showing any changes in such program approved subsequent to such presentation, including changes necessary to reflect actual appropriations for the program.

"(b) Within thirty days following the approval of any change in the Mutual Security program for the fiscal year 1960, which will result in furnishing assistance of a kind, for a purpose, in an area, or in an amount, different from that described in the report transmitted under subsection (a), and which involves \$1,000,000 or more or 5 per centum of the amount appropriated under any paragraph of this title, whichever is the lesser, the President shall transmit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a full and complete report of such change and the reasons therefor.

"(c) This section shall not apply to programs authorized by section 451 of the Mutual Security Act of 1954, as amended.

"(d) None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, in any country, or with respect to any project or activity, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriations for, or expenditures of, the International Cooperation Administration, has delivered to the office of the Director of the International Cooperation Administration a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee or subcommittee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden its being furnished pursuant to such request, and his reason for so doing."

Mr. PASSMAN. Mr. Speaker, we will now use some of the time we saved earlier. I thought every Member understood what is in this bill, but in all probability it would be better to discuss some of the figures. I shall be just as brief as possible.

The total budget request for the mutual security program alone was \$4,436,277,000. The conference report provides \$3,225,813,000 which is a reduction of \$1,204,182,000 below the budget request.

The reduction in the mutual security program is in three parts—one part achieved by the Committee on Foreign Affairs. The second part is \$500 million, which is the supplemental request for the Development Loan Fund, which was to finance the Fund's operation in the fiscal year 1961 and which the committee denied. The third part is the budget request for fiscal year 1960 funds for the program. The membership will recall that the House appropriated \$3,186,500,000. When the bill went to the other body, they increased it by over \$95 million. In conference this evening, the other body receded on \$56 million, and the House receded on \$39,313,000.



So the bill before you, as it applies to the mutual security program, calls for \$3,225,813,000. The bill also contains \$23,282,000 for the Ryukyu Islands. The bill also contains supplemental appropriations for various Federal agencies in the amount of \$377,123,137. Therefore, the bill before you provides a grand total of \$3,626,218,137. But, I repeat, only \$3,225,813,000 is for the mutual security program.

This has been the largest reduction made in the mutual security program during the 7 years it has been my privilege to serve on the committee and in the 5 years it has been my high honor to act as chairman of this subcommittee. We have had a successful conference and almost succeeded in bringing this bill back to the original House figure. We brought the bill back only \$39,313,000 above the original House bill.

We should explain what the sum of \$377,123,137 in supplemental items represents. Two of the items relate to the highway construction program. The item appropriates \$188 million out of the highway trust fund and the second item provides \$359 million as an advance to the highway trust fund. You will recall that these two items were put in by the other body, and it was our understanding, and the Senate committee bill provided, that the highway fund would repay the Treasury the \$359 million. The President's message to the Congress also indicated, or I should say stated specifically, that the money would be paid back by June 30, 1960. We had some difficulty in reaching agreement in conference as to whether the money would be paid back. We had to modify our managers' statement in order to reach agreement, and we will insert in the RECORD at this point the President's budget request, because, if we do not do so, I am afraid we will be charged with spending in excess of the President's budget:

THE WHITE HOUSE,

Washington, September 9, 1959.

THE PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for the consideration of the Congress proposed provisions pertaining to the fiscal year 1960 for the Department of Commerce.

The details of these proposed provisions, the necessity therefor, and the reasons for their submission at this time are set forth in the attached letter from the Director of the Bureau of the Budget, with whose comments and observations thereon I concur.

Respectfully yours,

DWIGHT D. EISENHOWER.

EXECUTIVE OFFICE,  
OF THE PRESIDENT,

BUREAU OF THE BUDGET,

Washington, D.C., September 8, 1959.

THE PRESIDENT,  
The White House.

SIR: I have the honor to submit herewith for your consideration proposed provisions pertaining to the fiscal year 1960 for the Department of Commerce, as follows:

"DEPARTMENT OF COMMERCE

"Bureau of Public Roads

"Highway Trust Fund

"For repayable advances to the 'Highway trust fund' during the current fiscal year, as authorized by section 209(d) of the Highway Revenue Act of 1956 (70 Stat. 399), \$359,-

000,000: *Provided*, That all such advances shall be repaid to this appropriation on or before June 30, 1960, and upon such repayment this amount shall be withdrawn."

This proposed provision is to allow a temporary advance to the highway trust fund, to be repaid before the end of the fiscal year 1960. The rate of expenditures in the first half of this fiscal year will exceed revenues available in the highway trust fund. Beginning in October 1959, amounts in the fund will be insufficient to permit the timely reimbursement to the States for expenses incurred under the Federal-aid highway program. The deficiency is estimated to reach a maximum of \$359 million by January 31, 1960. Receipts will then begin to exceed expenditures and, with the enactment of the Highway Act of 1959, are estimated to be adequate to repay this proposed advance with interest on or before June 30, 1960. Since this transaction will be completed within the fiscal year, it will have no effect upon 1960 expenditures or obligational authority.

I recommend that the foregoing proposed provisions be transmitted to the Congress.

Respectfully yours,

MAURICE H. STANS,

Director of the Bureau of the Budget.

I did not intend to take any time at all on this bill, but inasmuch as there seems to be some misunderstanding, I thought it would be good to explain some of the dollar amounts involved in the bill.

There are some 15 amendments in disagreement, one of which involves the Civil Rights Commission and we shall handle those separately, as the morning grows older or younger—take it any way you want it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I am happy to yield.

Mr. GROSS. Can the gentleman tell the House when this bill passed the House?

Mr. PASSMAN. It passed July 29.

Mr. GROSS. About a month and a half ago?

Mr. PASSMAN. Yes, sir.

Mr. GROSS. Can the gentleman tell us where this bill has been during all that time?

Mr. PASSMAN. It has been on Capitol Hill.

Mr. GROSS. Can the gentleman give us any assurance that the bill next year can be looked at in the light of day?

Mr. PASSMAN. The gentleman can give no such assurance.

Mr. Speaker, I now yield to the distinguished chairman of the Committee on Appropriations, the gentleman from Missouri [Mr. CANNON].

Mr. CANNON. Mr. Speaker, this is the last of the appropriation bills, and is the end of the appropriation program for this session of the Congress.

It is long after midnight, and I shall take only a minute to summarize the estimates and appropriations for the session which ends in the next few minutes. Details will be given in the usual annual résumé to be included in the Appendix of tomorrow's RECORD.

We have received from the President during the session estimates of appropriations aggregating \$74,859,008,445.

We have appropriated in the appropriation bills during this session a total of \$72,977,598,352.

So, the total amount thus appropriated by the Congress is \$1,881,410,093 less than requested by the President.

However, the Congress provided, on a comparable basis, at least \$231 million above the estimates in backdoor bills which must be subtracted from the reduction in the appropriation bills, but even including the appropriations through the backdoor bills, it still leaves us appropriating less money than was requested by the President.

Mr. PASSMAN. Mr. Speaker, I shall not consume any more time than to make this one statement: It certainly is not the fault of the gentleman from Louisiana that the bill is back here in the House at 4 o'clock in the morning. We have come from a long and hard conference. If there is any Member who wants to ask some questions about this bill, I shall be happy to answer the questions.

I now yield to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, one thing I think the Congress ought to know, that has not been developed so far, is that there was a little under \$6 billion of backdoor appropriations that were put in one place or another and that total makes over \$80 billion of availability that the Congress has provided.

This back-door business is getting to be a tremendous figure. It is something that will wreck the country if we do not stop it.

(Mr. TABER asked and was given permission to revise and extend his remarks.)

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I yield for a question.

Mr. FULTON. Will the gentleman tell us whether the civil rights amendment is in disagreement?

Mr. PASSMAN. The civil rights amendment is in disagreement. The Members will be able to vote on that this morning.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 32: Page 11, insert:

"SEC. 109. The Congress hereby reiterates its opposition under present conditions to the seating in the United Nations of the Communist China regime as the representative of China, and it is hereby declared to be the continuing sense of the Congress that the Communist regime in China has not demonstrated its willingness to fulfill the obligations contained in the Charter of the United Nations and should not be recognized to represent China in the United Nations. In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations, the President is requested to inform the Congress insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter."



Mr. PASSMAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 32, and concur therein with an amendment, as follows: Change the section number to "112" and in line 2 of said amendment, strike the words "under present conditions".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34: Page 12, insert section 111:

"Sec. 111. It is the sense of Congress that any attempt by foreign nations to create distinctions because of their race or religion among American citizens in the granting of personal or commercial access or any other rights otherwise available to United States citizens generally is repugnant to our principles; and in all negotiations between the United States and any foreign state arising as a result of funds appropriated under this Act, these principles shall be applied as the President may determine."

Mr. PASSMAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 34, and concur therein with an amendment, as follows: Change the section number to "113".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: Page 16, insert:

"CONSTRUCTION OF POWER SYSTEMS, RYUKYU ISLANDS

"For loans by the Secretary of the Army to the Ryukyu Electric Power Corporation, an instrumentality of the United States Civil Administration of the Ryukyu Islands, for construction, installation, and equipment of electric power systems in the Ryukyu Islands, \$18,000,000, to remain available until expended: *Provided*, That repayment of such loans shall be made to miscellaneous receipts of the Treasury over a period of twenty-five years to commence five years after the date any such loan is made, with interest at such rate as may be fixed by the Secretary of the Treasury, taking into consideration the current average market yields of outstanding marketable obligations of the United States having a comparable maturity."

Mr. PASSMAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 35, and concur therein with an amendment, as follows: In line 4 of the text of the amendment, after the word "for", insert the words "completion of".

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I yield.

Mr. FULTON. Do I understand that the civil rights amendment is No. 50 on this list?

Mr. PASSMAN. That is correct.

The SPEAKER. The question is on the motion of the gentleman from Louisiana.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37: Page 18, insert:

"EXECUTIVE OFFICE OF THE PRESIDENT  
"Office of Civil and Defense Mobilization  
"Salaries and Expenses

"For an additional amount for 'Salaries and expenses', to be allocated for expenses necessary to discharge such civil defense and defense mobilization functions performed by other Federal agencies, as may be designated by the Office of Civil and Defense Mobilization, including payments by Department of Labor to State employment security agencies for the full cost of administration of defense manpower mobilization activities, \$6,500,000."

Mr. PASSMAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 37, and concur therein with an amendment, as follows: In lieu of the sum of \$6,500,000 named in said amendment, insert "\$3,250,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 39: Page 19, insert:

GENERAL ADMINISTRATION

"Participation in century 21 exposition

"For expenses necessary to carry out the provisions of the Act of September 2, 1958 (72 Stat. 1703), as amended, including not to exceed \$5,000 for official entertainment expenses, \$12,500,000, to remain available until expended: *Provided*, That this amount shall be available only upon enactment of S. 2065 or H.R. 8374, Eighty-sixth Congress, or similar legislation."

Mr. PASSMAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 39, and concur therein with an amendment, as follows: In lieu of the sum of \$12,500,000 named in said amendment, insert "\$9,000,000" and delete the proviso carried in the last three lines of the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 46:

Page 12, after line 19, insert:

"GRANTS FOR WASTE TREATMENT WORKS  
CONSTRUCTION

"The amount appropriated under this head in the 'Supplemental Appropriation Act, 1960' shall remain available until five days after the approval of this Act."

Mr. PASSMAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 49: Page 20, insert: "Advisory Commission on Intergovernmental Relations, \$100,000."

Mr. PASSMAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 49, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "\$50,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 50: On page 20, insert:

"COMMISSION ON CIVIL RIGHTS

"Salaries and expenses

"For an additional amount for 'Salaries and expenses', \$500,000: *Provided*, That section 104(b) of the Civil Rights Act of 1957 is amended by striking out the words 'two years' and inserting in lieu thereof 'four years'."

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House insist upon its disagreement to the amendment of the Senate numbered 50.

Mr. ROONEY. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. ROONEY moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein.

Mr. ROONEY. Mr. Speaker, I very much doubt that there is anyone presently in the membership of the House who is not thoroughly familiar with this so-called civil rights issue.

The action to be taken by adoption of the preferential motion which I have submitted would extend the life of the Commission on Civil Rights for 2 additional years beyond November 8 next, the date on which it must expire under existing law, and appropriate the amount of \$500,000 for the necessary expenditures of this Commission.

Mr. Speaker, an "aye" vote on the pending motion to recede and concur in the Senate amendment is a vote for furtherance of civil rights for all our citizens. I am confident the motion will be overwhelmingly adopted.

Mr. CELLER. Mr. Speaker, I am wholeheartedly in favor of extending the life of the Commission on Civil Rights for an additional 2 years. The Committee on the Judiciary of the House of Representatives in reporting my bill, H.R. 8601, provided for the extension of the life of the Commission on Civil Rights for 2 years. In the report which accompanied that bill, the committee expressed the opinion that the best interests of the Nation would be served by the extension of the life of the Commission.

Although that report was filed prior to the filing of the report by the Commission, as required by the Celler Civil



Rights Act of 1957, it foresaw the valuable work which the Commission has accomplished to date. Anyone who has read the recent report by the Commission on Civil Rights must admit that it is a report of great value. That report clearly demonstrates by a factual and legal analysis the problem which confronts our Nation with regard to the equal protection of all its citizens. Many may disagree with its recommendations but no one can deny its factual presentation in the fields of voting, education, and housing.

When the House Committee on the Judiciary reported the Celler Civil Rights Act of 1957 it stated that the need for the Commission was "to be found in the very nature of the problem involved; the complexity of the subject matter demands greater knowledge and understanding of every facet of the problem." Not only has the report of the Commission on Civil Rights substantiated the position of the House Committee on the Judiciary, but it further indicates the necessity to continue the extension of the Commission in order that it may complete the legislative responsibility imposed upon it by the Congress.

That responsibility required the Commission to study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution and to appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

That the Commission has not fulfilled the responsibility which the Congress saw fit to place upon it is indeed no fault of the Commission. Although the Commission was to exist for 2 years from the date of the enactment of the act, in effect it has been able to function for only 16 months through no fault of its own. The delay in the appointment and confirmation of the Commissioners, coupled with the delay in the nomination and confirmation of its staff director until May 14, 1958, prevented the Commission from functioning on a full scale operation.

If we are to be "one Nation under God, indivisible, with liberty and justice for all"—the title of the report of the United States Commission on Civil Rights—there remains much to be done by the Commission, the agency to furnish the Congress with the facts and circumstances upon which we may base proper legislation. Many problems remain to be studied and analyzed, such as the administration of justice, employment, public accommodations, Government facilities, and transportation. We, as legislators, must seize this opportunity to provide equal justice under law in any and every segment of our American public life. The extension of the Commission is an opportunity which we must take advantage of here and now. Time is of the utmost importance and the assistance already rendered by the Commission should not be permitted to dissipate itself as to the future by permitting the expiration of the life of the Commission. The Commission is but a means to an end. The end being wholesome, constructive legislation which will provide every citizen of the United

States with the free exercise of and access to the God-given rights provided for in the Constitution.

Mr. McCULLOCH. Mr. Speaker, on Tuesday, last, September 8, 1959, the Civil Rights Commission filed its first report with the Congress. This report, a printed document of more than 500 pages, clearly indicates that much more study is needed in the entire field of civil rights. Yet, unless the life of the Commission is extended during this session of Congress, it will terminate 60 days after the submission of this report.

Although admittedly the issue of appropriate civil rights legislation is one of the most important and controversial issues this House will have to consider when it assembles in January, the need for a continuation of a study group to make recommendations for legislation should not be controversial.

In addition, the Civil Rights Commission already has an excellent staff, with a membership of six distinguished Commissioners, who have proven competent and capable of discharging the Commission's duties and responsibilities in this delicate area.

Should the life of the Commission not be extended, I emphasize that it will be extremely difficult, if not impossible, to reassemble so distinguished and so objective a group of Commissioners, three of whom come from a section of the Nation most likely to be first affected by civil rights legislation.

The Commissioners are:

The Honorable John Alfred Hannah, Chairman, president of Michigan State University since July 1, 1941; Assistant Secretary of Defense for Manpower and Personnel, 1953-54.

The Honorable Robert Gerald Storey, Vice Chairman, president, Southwestern Legal Foundation; former dean of Southern Methodist University law school; former president of Dallas Bar Association, State Bar of Texas, American Bar Association, Inter-American Bar Association; executive trial counsel for United States in Nuremberg trials; member, Hoover Commission, 1953-55.

The Honorable John S. Battle, Governor, State of Virginia, 1950-54; member, Virginia General Assembly, 1930-50.

The Honorable Doyle Elam Carlton, Governor of the State of Florida, 1929-33; member, Florida State Senate, 1917-19.

The Reverend Theodore M. Hesburgh, C.S.C., president, Notre Dame University since 1952; permanent Vatican delegate to International Atomic Energy Agency; member, Hoover Commission, Rockefeller Brothers Fund, National Science Board.

The Honorable George Marion Johnson, professor of law and former dean, Howard University law school; former director of the Office of Laws, Plans, and Research of the Commission on Civil Rights.

Finally, I wish to point out that the President of the United States, in his message dated February 5, 1959, urged the extension of the life of the Commission for an additional 2 years. This recommendation was incorporated into one of the titles of the administration's civil rights bill, which I introduced. It is also

one of the titles in the clean bill favorably reported by the Judiciary Committee.

Therefore, I urge that the life of this important Commission, which has not had time to complete the important work which it has begun, be extended for an additional 2 years.

Mr. ROONEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the preferential motion offered by the gentleman from New York [Mr. ROONEY].

Mr. WILLIAMS of Mississippi. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 221, nays 81, not voting 133, as follows:

[Roll No. 176]

YEAS—221

|                |                 |                 |
|----------------|-----------------|-----------------|
| Albert         | Green, Ore.     | Monagan         |
| Andersen,      | Green, Pa.      | Montoya         |
| Minn.          | Griffin         | Moore           |
| Arends         | Griffiths       | Moorhead        |
| Ashley         | Gross           | Morgan          |
| Aspinall       | Hagen           | Morris, N. Mex. |
| Avery          | Halleck         | Morris, Okla.   |
| Ayres          | Halpern         | Moulder         |
| Bailey         | Hargis          | Multer          |
| Baldwin        | Hechler         | Murphy          |
| Baring         | Henderson       | Natcher         |
| Barry          | Hoeven          | Nelsen          |
| Bates          | Hoffman, Ill.   | Nix             |
| Becker         | Hogan           | Norblad         |
| Belcher        | Holland         | O'Brien, Ill.   |
| Bennett, Mich. | Holt            | O'Hara, Ill.    |
| Boland         | Holtzman        | O'Hara, Mich.   |
| Bolling        | Hull            | O'Konski        |
| Bolton         | Ikard           | O'Neill         |
| Bow            | Inouye          | Oliver          |
| Boyle          | Irwin           | Osmers          |
| Brademas       | Jarman          | Ostertag        |
| Breeding       | Johnson, Calif. | Pfost           |
| Brewster       | Johnson, Colo.  | Philbin         |
| Brook          | Johnson, Md.    | Pirnie          |
| Brooks, Tex.   | Johnson, Wis.   | Price           |
| Burke, Ky.     | Judd            | Prokop          |
| Burke, Mass.   | Karsten         | Pusincki        |
| Bush           | Karth           | Quigley         |
| Byrne, Pa.     | Kasem           | Rabaut          |
| Byrnes, Wis.   | Kastenmeier     | Randall         |
| Cahill         | Kearns          | Ray             |
| Carnahan       | Kee             | Rees, Kans.     |
| Casey          | Keith           | Reuss           |
| Cederberg      | Kelly           | Rhodes, Ariz.   |
| Celler         | Kilday          | Rhodes, Pa.     |
| Chamberlain    | Kilgore         | Robison         |
| Chelf          | King, Calif.    | Rodino          |
| Chenoweth      | King, Utah      | Rogers, Colo.   |
| Church         | Kirwan          | Rogers, Mass.   |
| Clark          | Kluczynski      | Rooney          |
| Coffin         | Knox            | Roush           |
| Conte          | Kowalski        | Saund           |
| Cook           | Lafore          | Schenck         |
| Corbett        | Laird           | Scherer         |
| Cunningham     | Lane            | Schwengel       |
| Curtin         | Langen          | Sheppard        |
| Curtis, Mass.  | Lankford        | Slack           |
| Daddario       | Latta           | Smith, Iowa     |
| Dague          | Lesinski        | Springer        |
| Daniels        | Levering        | Staggers        |
| Dawson         | Libonati        | Stead           |
| Denton         | Lindsay         | Stratton        |
| Derwinski      | Lipscomb        | Sullivan        |
| Diggs          | McCulloch       | Taber           |
| Dingell        | McDowell        | Thomas          |
| Donohue        | McFall          | Thompson, N.J.  |
| Doyle          | McGinley        | Thomson, Wyo.   |
| Du'ski         | McIntire        | Thornberry      |
| Dwyer          | Machrowicz      | Toil            |
| Fenton         | Mack, Ill.      | Udall           |
| Flynn          | Mack, Wash.     | Vanik           |
| Fogarty        | Madden          | Van Zandt       |
| Foley          | Magnuson        | Wainwright      |
| Forand         | May             | Walter          |
| Ford           | Meador          | Wampler         |
| Frelinghuysen  | Morrow          | Widnall         |
| Friedel        | Metcalf         | Wilson          |
| Fulton         | Meyer           | Wolf            |
| Gallagher      | Müller, Clem    | Wright          |
| George         | Miller,         | Yates           |
| Gialmo         | George P.       | Young           |
| Goodell        | Miller, N.Y.    | Zablocki        |
| Graham         | Miller,         |                 |
| Gray           | Moeller         |                 |



## NAYS—81

|               |             |                |
|---------------|-------------|----------------|
| Abbott        | Flynt       | Mills          |
| Abernethy     | Forrester   | Mitchell       |
| Alexander     | Fountain    | Norrell        |
| Alford        | Frazier     | Passman        |
| Alger         | Gary        | Patman         |
| Andrews       | Gathings    | Poff           |
| Ashmore       | Grant       | Preston        |
| Bass, Tenn.   | Haley       | Rains          |
| Beckworth     | Hardy       | Rivers, S.C.   |
| Bennett, Fla. | Harmon      | Roberts        |
| Boggs         | Harris      | Rogers, Fla.   |
| Bonner        | Harrison    | Rogers, Tex.   |
| Boykin        | Hemphill    | Rutherford     |
| Brown, Ga.    | Huddleston  | Scott          |
| Budge         | Jennings    | Selden         |
| Burleson      | Jensen      | Sikes          |
| Colmer        | Johansen    | Smith, Miss.   |
| Cooley        | Jonas       | Smith, Va.     |
| Cramer        | Jones, Ala. | Teague, Tex.   |
| Davis, Ga.    | Kitchin     | Thompson, Tex. |
| Dorn, S.C.    | Landrum     | Trimble        |
| Dowdy         | Lennon      | Tuck           |
| Downing       | McMillan    | Whitener       |
| Elliott       | McSweeney   | Whitten        |
| Everett       | Mahon       | Williams       |
| Fascell       | Mason       | Willis         |
| Fisher        | Matthews    | Winstead       |

## NOT VOTING—133

|                 |                |                |
|-----------------|----------------|----------------|
| Adair           | Durham         | Pillion        |
| Addonizio       | Edmondson      | Poage          |
| Allen           | Evins          | Porter         |
| Anderson, Mont. | Fallon         | Powell         |
| Anfuso          | Farbstein      | Quie           |
| Auchincloss     | Felghan        | Reece, Tenn.   |
| Baker           | Fino           | Riehlman       |
| Barden          | Flood          | Riley          |
| Barr            | Garmatz        | Rivers, Alaska |
| Barrett         | Gavin          | Roosevelt      |
| Bass, N.H.      | Glenn          | Rostenkowski   |
| Baumhart        | Gubser         | St. George     |
| Bentley         | Hall           | Santangelo     |
| Berry           | Hays           | Saylor         |
| Betts           | Healey         | Shelley        |
| Blatnik         | Hébert         | Shipley        |
| Blich           | Herlong        | Short          |
| Bosch           | Hess           | Siler          |
| Bowles          | Hlestand       | Simpson, Ill.  |
| Bray            | Hoffman, Mich. | Simpson, Pa.   |
| Brooks, La.     | Hollfield      | Sisk           |
| Broomfield      | Horan          | Smith, Calif.  |
| Brown, Mo.      | Hosmer         | Smith, Kans.   |
| Brown, Ohio     | Jackson        | Spence         |
| Broyhill        | Jones, Mo.     | Stubblefield   |
| Buckley         | Keogh          | Taylor         |
| Burdick         | Kilburn        | Teague, Calif. |
| Canfield        | Loser          | Teller         |
| Cannon          | McCormack      | Thompson, La.  |
| Carter          | McDonough      | Tollefson      |
| Chiperfield     | McGovern       | Ullman         |
| Coad            | Macdonald      | Utt            |
| Cohelan         | Mailliard      | Van Pelt       |
| Collier         | Marshall       | Vinson         |
| Curtis, Mo.     | Martin         | Wallhauser     |
| Davis, Tenn.    | Michel         | Watts          |
| Delaney         | Minshall       | Weaver         |
| Dent            | Morrison       | Weis           |
| Derounian       | Moss           | Westland       |
| Devine          | Mumma          | Wharton        |
| Dixon           | Murray         | Wier           |
| Dollinger       | O'Brien, N.Y.  | Withrow        |
| Dooley          | Pelly          | Younger        |
| Dorn, N.Y.      | Perkins        | Zelenko        |
|                 | Pilcher        |                |

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Hébert against.  
Mr. Buckley for, with Mr. Vinson against.  
Mr. Addonizio for, with Mr. Morrison against.

Mr. Bass of New Hampshire for, with Mr. Pilcher against.

Mr. Anfuso for, with Mr. Hall against.  
Mr. Delaney for, with Mrs. Blich against.  
Mr. Brown of Ohio for, with Mr. Herlong against.

Mr. Barrett for, with Mr. Barden against.  
Mr. Healey for, with Mr. Loser against.  
Mr. Martin for, with Mr. Durham against.  
Mr. Santangelo for, with Mr. Thompson of Louisiana against.

Mr. Garmatz for, with Mr. Brooks of Louisiana against.

Mr. Auchincloss for, with Mr. Riley against.  
Mr. Dollinger for, with Mr. Davis of Tennessee against.

Mr. Farbstein for, with Mr. Evins against.  
Mr. Glenn for, with Mr. Murray against.  
Mr. Zelenko for, with Mr. Broyhill against.  
Mr. Wallhauser for, with Mr. Hoffman of Michigan against.

Until further notice:

Mr. Teller with Mr. Simpson of Pennsylvania.

Mr. O'Brien of New York with Mr. Taylor.  
Mr. McCormack with Mr. Bentley.

Mr. Hollifield with Mr. Allen.

Mr. Roosevelt with Mr. Adair.

Mr. Hays with Mr. Michel.

Mr. Shelley with Mr. Mumma.

Mr. Ullman with Mr. Pelly.

Mr. McGovern with Mr. Reece of Tennessee.

Mr. Rostenkowski with Mr. Riehlman.

Mr. Rivers of Alaska with Mr. Baker.

Mr. Anderson of Montana with Mr. Bray.

Mr. Macdonald with Mr. Canfield.

Mr. Cohelan with Mr. Younger.

Mr. Feighan with Mr. Saylor.

Mr. Powell with Mr. Pillion.

Mr. Flood with Mr. Quie.

Mr. Fallon with Mr. Minshall.

Mr. Marshall with Mr. McDonough.

Mr. Bowles with Mr. Kilburn.

Mr. Moss with Mr. Baumhart.

Mr. Wier with Mr. Betts.

Mr. Watts with Mr. Collier.

Mr. Shipley with Mr. Teague of California.

Mr. Brown of Missouri with Mr. Utt.

Mr. Blatnik with Mrs. St. George.

Mr. Barr with Mr. Mailliard.

Mr. Sisk with Mr. Gubser.

Mr. Stubblefield with Mr. Fino.

Mr. Carter with Mr. Curtis of Missouri.

Mr. Coad with Mr. Derounian.

Mr. Porter with Mr. Devine.

Mr. Spence with Mr. Dixon.

Mr. Perkins with Mr. Hess.

Mr. Edmondson with Mr. Smith of California.

Mr. Cannon with Mr. Weaver.

Mr. Burdick with Mr. Westland.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53: On page 21, insert:

## "EXPENSES

"For an additional amount for 'Expenses', \$17 million to be derived by transfer from the appropriation for 'Establishment of air navigation facilities', fiscal year 1960; and the limitation under the head 'Expenses' in the Independent Offices Appropriation Act, 1960, on the amount available for expenses of travel is increased from '\$13,500,000' to '\$14,125,000'."

Mr. PASSMAN. Mr. Speaker, I offer a motion which is at the Clerk's desk.

The Clerk read as follows:

Amendment numbered 53: Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 53, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 54: On page 21, insert:

## "ESTABLISHMENT OF AIR NAVIGATION FACILITIES

"Not to exceed \$4 million of the appropriation made available under this head in the Independent Offices Appropriation Act, 1960, shall be available for expenses of travel."

Mr. PASSMAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 57: Page 22, insert:

## "FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

"For expenses necessary to carry out the provisions of the Act of August 11, 1955 (69 Stat. 694), as amended, \$150,000, to remain available until expended."

Mr. PASSMAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 58: Page —, insert:

## "HUDSON-CHAMPLAIN CELEBRATION COMMISSION

"For an additional amount for salaries and expenses in connection with the work prescribed for the Hudson-Champlain Celebration Commission in the sum of \$35,000 to be disbursed in the same manner and for the same effect that funds have heretofore been disbursed."

Mr. PASSMAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 58, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "\$25,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 61: Page 22, insert:

## "SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses', \$290,000, of which \$220,000 shall be available only upon the enactment into law of legislation continuing beyond September 30, 1959, the program authorized by title VI of the Housing Act of 1954, as amended (68 Stat. 590, 637)."

Mr. PASSMAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I yield to the distinguished minority leader.

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. McCulloch], may extend his remarks in the RECORD immediately following those of the gentleman from New York [Mr. Celler], for whom consent was obtained a moment ago.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Louisiana.

The motion was agreed to.



The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 62: Page 23, insert:  
"URBAN PLANNING GRANTS

"For an additional amount for 'Urban planning grants', \$1,000,000: *Provided*, That this paragraph shall be effective only upon the enactment into law of legislation amending section 701 of the Housing Act of 1954, as amended, so as to authorize appropriation of the foregoing amount."

Mr. PASSMAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to an amendment of the Senate numbered 62, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "\$750,000."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

#### GENERAL LEAVE TO EXTEND

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks in the RECORD at this point on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, I am very much in favor of an extension of the life of the Civil Rights Commission. Its inspired report recently issued justifies and indeed demands a continuation of its activity. Nor is it too early to consider implementation of the Commission's principal recommendations.

Accordingly, I have introduced in the House today a bill, H.R. 9254, to establish an agency of the legislative branch of the Federal Government authorized to conduct the elections of Members of the Senate and the House of Representatives. It is identical to S. 2535, introduced in the Senate of the United States on August 12, 1959, by the distinguished junior Senator from the State of Michigan [Mr. HART], for himself and 14 other able Members of that distinguished body. The bill establishes a continuing agency of the Congress itself, designed to insure that registration and election procedures shall be reasonable, fair, and equally available to all our citizens.

Under unanimous consent I include a section-by-section analysis of the bill and excerpts from a study on the constitutionality of such legislation, prepared by the Legislative Reference Service of the Library of Congress, to be inserted at this point in my remarks:

#### ANALYSIS OF CONGRESSIONAL ELECTIONS COMMISSION BILL INTRODUCED BY MR. O'HARA

It is the purpose of the Congressional Elections Act to establish any agency of the legislative branch of the Federal Government with authority to conduct the elections of Members of the Senate and the House of Representatives.

#### TITLE I

Title I states that because of the continuing denial to American citizens, on grounds of their race or color, of their right to vote, particularly to vote in the election of Representatives and Senators, recognizing the authority of Congress under the 15th amendment and under article I, section 4 of the Constitution, to assure fullest participation of qualified electors in congressional elections, the Congress determines it necessary to establish an agency to conduct registration and voting in the primary, special and general elections at which Representatives and Senators are elected.

#### TITLE II

Title II establishes the Congressional Elections Commission as an agency of the legislative branch of the Federal Government authorized to conduct primary, special and general elections for Members of the Senate and the House of Representatives. The Commission is composed of three members appointed by the President with the advice and consent of the Senate, Commissioners to be appointed for a term of 9 years.

#### TITLE III

Title III authorizes the Commission to make and maintain registers of voters in various congressional districts who are qualified to participate in primary, special and general elections of Members of the Senate and House of Representatives. The Commission may maintain registration lists in various congressional districts whether or not it has determined to run an election in the district. It is also provided that no person can become or stay registered on the Commission's lists who does not have the qualifications for electors of the most numerous branch of the State legislature. It is also provided that State and local laws and ordinances covering the time, place or manner of registration are not applicable to registrations conducted by the Commission, but the Commission is instructed to conform its conduct of registration as far as possible to the procedures in effect under State or local laws.

#### TITLE IV

Title IV authorizes the Commission to conduct primary, special, or general elections in any congressional district for Members of the Senate and the House of Representatives either when (1) the Commission is officially requested so to do by the State in which the district is located, or (2) the Commission determines that unless it conducts such an election qualified voters are likely to be denied their right in such a primary, special, or general election to cast their votes and have them fairly counted. Whenever the Commission conducts a primary, special, or general election that shall be the sole primary, special, or general election in the congressional district for Members of the Senate and the House of Representatives and the results thereof shall determine the party nominees, the elected Members of the House of Representatives and the official vote of the congressional district for Members of the Senate and the House of Representatives at large. No person may vote in an election conducted by the Commission unless he has either been registered under title III by the Commission or he is registered on a State registration list determined by the Commission to be appropriate for use in its own elections. The Commission, if it decides to conduct an election, shall immediately notify the Governor of the State.

#### TITLE V

Title V provides for the certification of results of election by the Commission to the Speaker of the House, the Secretary of the Senate, and the Governor of the State, and

that such certification constitutes the binding and conclusive determination of the results of the primary, special, or general election.

#### TITLE VI

Title VI authorizes the Commission to delegate to its own agents and employees or to appropriate officials of the State and local governments any of the powers provided by the act with the exception of the authority of the Commission to determine whether or not to maintain registers of voters or to conduct an election in any particular congressional district which powers shall be exercised only by the Commission itself.

#### TITLE VII

Title VII authorizes suits for declaratory and injunctive relief in the U.S. district court by any citizen qualified to vote who has applied for registration by the Commission and is denied it or after being granted registration is removed from the registry or is denied opportunity to vote in an election conducted by the Commission.

#### TITLE VIII

Title VIII contains miscellaneous provisions concerning the compensation of agents and employees of the Commission as well as officials of the State to whom Commission functions may be delegated; provisions for the taking of testimony by the Commission; attendance of witnesses; refusals to testify; promulgation of the Commission rules and regulations; reports to the Congress; and amendment of prior laws.

#### EXCERPTS FROM CONSTITUTIONALITY OF NATIONAL LEGISLATION ON ELECTION OF CONGRESSMEN AND SENATORS

1. This subject involves the division of legislative power as between the States and the National Government. The extent of the congressional power to legislate on elections is determined by the provisions of the U.S. Constitution. The provisions relating to elections are set forth in part 1 of this report. Attention is directed to article 1, section 4 which provides that Congress may make regulations as to the times, place, and "manner of holding elections" for Senators and Representatives or may alter regulations prescribed by the State legislatures for such purposes, except as to the places of choosing Senators. A distinction between prescribing the manner of holding elections and prescribing the qualification of electors must be recognized because article I, section 2, and the 17th amendment provide that the electors for Representatives and Senators shall have the qualifications requisite for electors of the most numerous branch of the State legislatures. The power of the State in this and other matters is subject to the limitations set forth in the 14th, 15th, and 19th amendments.

2. The Supreme Court decisions on the validity of State laws on the qualification of electors have been reviewed in this report because they bear upon the division of power between the States and the National Government and because the opinions in some of these cases contain statements that the right to vote is derived from the States and it is important to recognize that these statements were made in reference to the qualification of electors and not in reference to other election matters, such as the power to regulate the manner of holding congressional elections. Thus, there is no fundamental conflict between these statements and statements in cases involving other issues that the right to vote for representatives in Congress is derived from the U.S. Constitution.

3. The Supreme Court decisions on actions against racial discrimination after the civil



rights legislation of 1870 are described in this report because they demonstrate the importance of respecting constitutional limitations in drafting and interpreting legislation. Two of these decisions held certain sections of the civil rights laws unconstitutional (*United States v. Reese and James V. Bowman*). In both instances the difficulty was the failure of the statute involved to comply with the requirements of the 15th amendment and the decisions resulted from imprecise drafting of the legislation rather than from a lack of congressional power to deal with the matter in controversy. Two other racial discrimination cases (*United States v. Cruikshank* and *Ex parte Yarborough*) demonstrate the difference in congressional power as between State elections and national elections. One case held that the U.S. Constitution does not prohibit private racial discrimination in State elections and the other held that there is constitutional power to prohibit private racial discrimination in the election of a representative in Congress. These two cases involved, not the constitutionality of legislation, but the meaning of rights or privileges secured by the Constitution in a criminal statute protecting such rights.

4. The foremost exercise by Congress of its power under article I, section 4 of the Constitution was the enactment of several sections in the Civil Rights Acts of 1870-71 providing for the supervision of elections of Representatives in Congress. A number of these sections were held constitutional and no section of the civil rights legislation which dealt expressly with the election of Representatives in Congress was held unconstitutional. The Supreme Court decisions on these sections are set forth in part 4 of this report. The outstanding case is *Ex Parte Siebold*. The sections involved were repealed in 1894 along with several others relating to elections.

5. After the repeal in 1894 of much of the national legislation on elections, controversies arose on whether criminal statutes punishing conspiracies to commit an offense against the United States, and conspiracies to interfere with rights secured by the Constitution were applicable to activities affecting elections. These cases are described in part 5 and some of them, notably *United States v. Gradwell*, discuss the scope and exercise of congressional power on elections, in the process of interpreting the conspiracy statutes.

6. The only congressional enactment dealing expressly with the election of Representatives and Senators which has been held unconstitutional was the portion of the Corrupt Practices Act relating to nominations and primary elections. *Neuberry v. United States*, 256 U.S. 232 (1921). However, this decision has been virtually nullified by the subsequent decision in *United States v. Classic*, 313 U.S. 299 (1941). The cases on primary elections are reviewed in part 6 of this report. The Supreme Court decision in the *Classic* case interpreted "elections" in article I, section 4 as meaning "choice," and thus including the process of nomination. Also, the Court relied upon the "necessary and proper" clause in article I, section 8 of the Constitution.

7. The Supreme Court cases on congressional power to deal with registration procedures affecting congressional elections are less helpful than those relating to general and primary elections. A section of the 1870 Civil Rights Act which dealt mainly with registration was said to be valid in two Supreme Court cases but neither case appears to have involved registration itself. However, the Supreme Court opinion in the *Classic* case indicates that the authority of Congress to regulate the manner of holding elections is supplemented by the necessary and proper clause. If the administration of State registration laws was found to affect

the right of a person to vote for a Representative or Senator, national legislation on the control of a State registration system would most likely be held constitutional, provided it complied with provisions of article I of the Constitution. These requirements may be summarized as (1) the legislation must expressly deal exclusively with the election of Representatives and Senators, (2) the legislation cannot prescribe the qualification of electors, (3) the legislation must relate to what is necessary and proper for the regulation of the manner of holding such elections.

Mr. DOWDY. Mr. Speaker, I opposed the rule sending this foreign aid-civil rights bill to conference committee, and am opposed to the bill in any form. It is evil compounded by evil. In my opinion, the foreign aid provisions, in impoverishing America to build up socialism and communism in foreign lands, amount to treason; the extension of the so-called Civil Rights Commission, with the evident intent to overthrow the American way of life, amounts to tyranny. The Kremlin hierarchy would be proud to claim authorship of this combination. Khrushchev on his arrival a few hours from now will be well pleased with such a welcome as given him and his breed by the enactment of this bill. It is a greater victory for the Red bosses than was their shot at the moon.

Mrs. CHURCH. Mr. Speaker, I rise in protest against this attempt to bury a vital civil rights issue through a rider to the mutual security appropriation bill under consideration. Furthermore, the fact that the rider seeks only to extend the life of the Civil Rights Commission, without meeting other demonstrated needs, is in itself a reason for just protest.

Ever since I came to this House 9 years ago, I have vigorously insisted that failure to meet the need for adequate civil rights legislation would serve only to expose to a skeptical world a weakness in our own democracy that must be promptly and soundly remedied if our system of a free government by free men is to survive.

It is incredible to me that action on this matter has been delayed until the closing hours of the Congress. It is even more incredible that the only possible action to be offered us before adjournment is through a rider which has no germane connection whatsoever, under House rules, with the bill to which it was attached by the other body.

I am, of course, supporting the amendment favoring the extension of the Civil Rights Commission.

I can perhaps best express the strength of my conviction on this issue, Mr. Speaker, by here stating that, contrary to my general custom on petitions, I immediately signed Congressman CELLER's petition offered recently to bring out to the House floor the civil rights measure reported out of the Judiciary Committee. Even this bill is in itself inadequate and superficial.

I express the hope that at the very beginning of the next session of the Congress we may face our responsibility in this matter honestly and courageously. I shall certainly, once more, do all within my power to secure enactment of sound and necessary civil rights legislation.

## COMMITTEE TO NOTIFY THE PRESIDENT

Mr. ALBERT. Mr. Speaker, I offer a resolution.

The Clerk read as follows:

### HOUSE RESOLUTION 397

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the committee the gentleman from Oklahoma, Mr. ALBERT, and the gentleman from Indiana, Mr. HALLECK.

## PRINTING OF COMMITTEE REPORT AS HOUSE DOCUMENTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that reports filed with the clerk following the sine die adjournment by committees authorized by the House to conduct investigations, may be printed by the clerk as reports of the 86th Congress.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members of the House shall have the privilege, until the last edition authorized by the Joint Committee on Printing is published, to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks; but this order shall not apply to any subject matter which may have occurred, or to any speech delivered, subsequent to the adjournment of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## EXTENSION OF REMARKS BY COMMITTEE CHAIRMEN AND RANKING MINORITY MEMBERS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the chairmen of all the standing committees and subcommittees of the House may extend their remarks up to and including the publication of the last RECORD and to include a summary of the work of their committees; also that the ranking minority member of such standing committee or any subcommittee may have the same permission to extend their remarks and to include a summary, if they desire, from their point of view, separately from that of the chairman.



The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### EXTENSION OF REMARKS

Mr. GROSS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD just prior to the vote on the adoption of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

#### CONSTITUTIONAL AMENDMENT ON CIVIL RIGHTS

(Mrs. GREEN of Oregon (at the request of Mr. ALBERT) was given permission to extend her remarks at this point in the RECORD and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, it was a real pleasure for me to introduce in the House today a joint resolution embodying the constitutional amendment recommended by the Civil Rights Commission. This amendment provides that no citizen shall be deprived of the right to vote, to register or otherwise qualify to vote, or the right to have his vote counted, by the United States, or by any State, or by any person, except for failure to meet age or residence qualifications uniformly applied by the States. The right of the various States to have different age or residence qualifications is preserved, but the amendment, if made a part of the Constitution, would take away from the hands of those who seek to prevent millions of Americans from voting the most common tools which they now use.

The right to vote is utterly basic to any program of civil rights. It is, in fact, utterly basic to the very concept of democracy. If we can, once and for all, cut through the artificial barriers which have been raised to bar access to the ballot box to very nearly half of the people of the South, we will have gone a long way toward removing the obstacles to a full realization of the other rights which supposedly are guaranteed to every American citizen—but which have not been enforced for the past century.

The report of the Civil Rights Commission, based upon such information as that committee was able to obtain, in spite of obstacles thrown in its path by local officials, spells out techniques used to deprive American citizens of the vote which would have brought a blush of shame to the faces of the worst city bosses of a past era. People have been asked to explain constitutional provisions which read like questions from bar examinations. People have been deprived of the very opportunity to try to qualify for the franchise. And it is clear from the report of the Commission that these qualifications have been applied under the worst kind of double standard. Negroes with college degrees were barred from voting by rigid application of so-called literacy tests, while scarcely liter-

ate whites were encouraged to register and vote in order to maintain white supremacy.

A few weeks ago, this House rang with righteous denunciation of the denial of the right to vote to members of labor unions on elections within their unions. Legislation was enacted to safeguard this right. I supported such legislation, and I believed then, as I believe now, that it was a real contribution to democracy within the union movement.

But democracy within the immediate sphere of government itself is even more essential if our Nation is to continue to grow, spiritually and materially and if we really believe that the best system of government is based upon the ability of the governed to select their public officials and to render a judgment on their stewardship at the polls. Throughout history, there has been developed no alternative to government by ballot except government by bayonet. Other advances in the field of civil rights or, for that matter, in other fields, are only built on the shakiest of foundations if they are not buttressed by the right to vote. The right to vote is the heart of our way of life and the chief promise of the continuing American revolution. If we deny to Americans the right to vote, on the specious basis of race, or color, or national origin, we are denying our own heritage and our own fitness to serve the cause which our country embodies.

When Hawaiian statehood was before this body, I spoke in favor of admitting what is now our 50th State to full membership in the Federal family. In speaking for statehood, I said:

In acting, within the confines of this historic Chamber, to govern peoples whose consent is not asked and whose participation is not encouraged, we have weakened by our example what we uphold by our words. Every time the Congress of the United States acts to pass legislation for the governance of a territory when such an act could be passed by the legislature of a State, we are cheapening our own dignity and demeaning our high office, no matter how generous may be the terms of such legislation.

So it is with the right to vote within the States themselves. As long as this Congress governs millions of people who have no meaningful way to express themselves in this Chamber, as long as the right to participate in the selection of the Members of the Congress is denied to American citizens on arbitrary, discriminatory grounds, just so long is the Congress itself the real loser. It is our own high office and our own participation in the solemn act of representation that is lessened by the actions of those who deny to our fellow citizens their right to choose us and pass judgment upon us.

The proposed 23d amendment to the Constitution will blunt the edge of those tools which are now used to deny qualified Americans the right to vote. It will prevent the misuse of State laws by those who would ignore the demands of our democratic faith. It will, when passed by the Congress and ratified by the State legislatures, mark a great step forward toward the securing of equal rights under the law to all Americans.

#### LETTERS AND LEGISLATION

(Mr. HENDERSON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HENDERSON. Mr. Speaker, it is interesting to study the source of letters that I receive advocating or opposing certain items of important legislation which are under consideration in the House of Representatives. I have been impressed that on a number of key issues, very little opinion from the general public is obtained from correspondence. The highway bill which was passed by Congress last week and which provided for an increase in the gasoline tax of 1 cent for a period of at least 22 months is a very good example. Checking through the correspondence that I received on this measure, I find that a great number of letters were received but not over half-dozen which advocated the imposition of an additional 1 cent on the Federal gasoline tax were written by people who had no apparent connection with highway construction or the manufacture or sale of supplies for the construction of highways. The road user, the fellow who is going to pay an additional penny tax in addition to the tax increase of 2 cents recently imposed by the State of Ohio offered little comment on the type of highway program that Congress would enact.

I am quite sure that each Member of Congress exercises an independent judgment in his action on legislative matters. If he were to be guided solely by the special interest mail he receives, he could be ignoring the wishes and the welfare of those who do not have such a special interest.

#### CONGRESS AND MR. KHRUSHCHEV

(Mr. HENDERSON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HENDERSON. Mr. Speaker, I was somewhat disturbed, as were some of my colleagues in Congress, to hear so much talk that Congress planned to adjourn prior to the arrival of the Premier of Russia by reason of fear, embarrassment or for all sorts of explanations which had in common the picture of Congress leaving Washington under a figurative cover of darkness. I feel that these statements were unwarranted, untrue and not at all helpful in our dealings with the Soviet Union.

The fact of the matter is that in most years the final gavel of the Congress drops during the month of August and had the way been cleared for adjournment several weeks ago there would have been no question of the reason why the Congress adjourned. The simple explanation would have been what it is now—that its work has been completed. This year for reasons known and unknown, good and bad, the work of the Congress was not completed until mid-September and this adjournment date coincided with the arrival in Washington of the controversial Mr. Khrushchev and his entourage. It also coincided with a waxing moon, Russia's claim to have sent a rocket to the earth's satellite, a break in











Public Law 86-383  
86th Congress, H. R. 8385  
September 28, 1959

AN ACT

Making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1960, namely: Mutual Security  
Appropriation  
Act, 1960.

TITLE I—MUTUAL SECURITY

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Mutual Security Act of 1954, as amended, to remain available until June 30, 1960, unless otherwise specified herein, as follows: 68 Stat. 832.  
22 USC 1751  
note.

Military assistance: For assistance authorized by section 103(a) to carry out the purposes of chapter I (including administrative expenses as authorized by section 103(b), which shall not exceed \$25,000,000 for the fiscal year 1960, and purchase for replacement only of passenger motor vehicles for use abroad), \$1,300,000,000; Ante, p. 247.

Defense support: For assistance authorized by section 131(b), \$650,000,000, and in addition for Defense support for Spain, authorized by section 131(b), \$45,000,000, exclusive of technical cooperation; Ante, p. 248.

Development Loan Fund: For advances to the Development Loan Fund as authorized by section 203, \$550,000,000, to remain available until expended; Ante, p. 248.

Technical cooperation, general authorization: For assistance authorized by section 304, \$150,000,000; Ante, p. 249.

United Nations expanded program of technical assistance and related fund: For contributions authorized by section 306(a), \$30,000,000; Ante, p. 249.

Technical cooperation programs of the Organization of American States: For contributions authorized by section 306(b), \$1,200,000; Ante, p. 249.

Special assistance, general authorization: For assistance authorized by section 400(a), \$245,000,000; Ante, p. 249.

Special assistance, special authorization: For assistance authorized by section 400(c) in the planning for construction of the American Research Hospital for Children in Poland at the University of Krakow, the equivalent of \$50,000 in local currencies; Ante, p. 249.

Intergovernmental Committee for European Migration: For contributions authorized by section 405(a), \$7,371,000: *Provided*, That no funds appropriated in this title shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere; 22 USC 1925.  
73 STAT. 717.  
73 STAT. 718.

Program of United Nations High Commissioner for Refugees: For contributions authorized by section 405(c), \$1,100,000; Ante, p. 250.

Escapee program: For assistance authorized by section 405(d), \$4,632,000; Ante, p. 250.

United Nations Children's Fund: For contributions authorized by section 406, \$12,000,000; Ante, p. 250.

United Nations Relief and Works Agency: For contributions and expenditures authorized by section 407, \$25,000,000; Ante, p. 250.

Ocean freight charges, United States voluntary relief agencies: For payments authorized by section 409(c), \$1,910,000; Ante, p. 250.



General administrative expenses: For expenses authorized by section 411(b), \$38,000,000;  
Ante, p. 250.  
Ante, p. 251. Atoms for peace: For assistance authorized by section 419, \$1,500,000;  
Ante, p. 252. President's Special Authority and Contingency Fund: For assistance authorized by section 451(b), \$155,000,000.  
 68 Stat. 832. Unobligated balances of funds heretofore made available under authority of the Mutual Security Act of 1954, as amended, and 22 USC 1751 note. available as of June 30, 1959, are, except as otherwise provided, hereby continued available for the fiscal year 1960, for the same general purposes for which appropriated.

Funds appropriated under each paragraph of this title (other than appropriations under the head of military assistance), including unobligated balances continued available, and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made for the same general purpose as such paragraph, which amounts are hereby continued available (except as may otherwise be specified in this title) for the same period as the respective appropriations in this title for the same general purpose, may be consolidated in one account for each paragraph.

68 Stat. 830.  
 31 USC 200.

#### DEPARTMENT OF STATE

Ante, p. 250. Administrative and other expenses: For expenses of the Department of State as authorized by section 411(c) of the Mutual Security Act of 1954, as amended, \$8,100,000.

#### CORPORATION

The Development Loan Fund is hereby authorized to make such expenditures within the limits of funds available to it, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided in section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the fiscal year 1960 for such corporation, except as hereinafter provided:

59 Stat. 598.  
 31 USC 849.

#### LIMITATION ON ADMINISTRATIVE EXPENSES, DEVELOPMENT LOAN FUND

Not to exceed \$1,820,000 of the funds of the Development Loan Fund shall be available during the fiscal year 1960 for administrative expenses of the Fund covering the categories set forth in the fiscal year 1960 budget estimates for such expenses.

73 STAT. 718.  
 73 STAT. 719.

#### GENERAL PROVISIONS

Publicity or propaganda. SEC. 102. No part of any appropriation contained in this title shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Restriction. SEC. 103. None of the funds herein appropriated for Defense Support, the Development Loan Fund, Special Assistance, or the President's Special Authority and Contingency Fund shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation and other water and related land resource programs and projects proposed for construction within the continental limits of the United States of America as per circular A-47 of the Bureau of the Budget, dated December 31, 1952.



SEC. 104. Payments made from funds appropriated herein for engineering and architectural fees and services to any individual or group of engineering and architectural firms on any one project in excess of \$25,000 shall be reported to the Committee on Appropriations of the Senate and House of Representatives at least twice annually.

Engineering fees.  
Report to Congress.

SEC. 105. Except for the appropriations entitled "President's special authority and contingency fund" and "Development Loan Fund", not more than 20 per centum of any appropriation item made available by this title shall be obligated and/or reserved during the last month of availability.

Restriction.

SEC. 106. The appropriations and authority with respect thereto in this Act shall be available from July 1, 1959, for the purposes provided in such appropriations and authority. All obligations incurred during the period between June 30, 1959, and the date of enactment of this Act in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms hereof.

Availability of funds and authority.

SEC. 107. None of the funds provided by this title nor any of the counterpart funds generated as a result of assistance under this title or any prior Act shall be used to pay pensions, annuities, retirement pay or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country.

Pensions, annuities, etc.  
Restriction.

SEC. 108. None of the funds herein appropriated shall be used to carry out the provisions of Section 205(1) of the Mutual Security Act of 1959.

Ante, p. 250.

SEC. 109. None of the funds herein appropriated shall be used to carry out the provisions of Section 401(b) of the Mutual Security Act of 1959.

Ante, p. 252.

SEC. 110. None of the funds herein appropriated shall be used to carry out the provisions of Section 501 of the Mutual Security Act of 1959.

Ante, p. 255.

SEC. 111. (a) Within sixty days following the date of enactment of this Act, the President shall transmit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report containing a full and complete revision of the data presented to such committees in justification of appropriations requested for the Mutual Security program for the fiscal year 1960, showing any changes in such program approved subsequent to such presentation, including changes necessary to reflect actual appropriations for the program.

Presidential reports to Congress.

(b) Within thirty days following the approval of any change in the Mutual Security program for the fiscal year 1960, which will result in furnishing assistance of a kind, for a purpose, in an area, or in an amount, different from that described in the report transmitted under subsection (a), and which involves \$1,000,000 or more, or 5 per centum of the amount appropriated under any paragraph of this title, whichever is the lesser, the President shall transmit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a full and complete report of such change and the reasons therefor.

73 STAT. 719.

73 STAT. 720.

(c) This section shall not apply to programs authorized by section 451 of the Mutual Security Act of 1954, as amended.

Nonapplicability.  
68 Stat. 843.  
22 USC 1951.

(d) None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, in any country, or with respect to any project or activity, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriations for, or

72 Stat. 261.  
22 USC 1841, 1951,  
1750 et seq.



expenditures of, the International Cooperation Administration, has delivered to the office of the Director of the International Cooperation Administration a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee or subcommittee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden its being furnished pursuant to such request, and his reason for so doing.

Seating of  
Communist China  
in U.N., op-  
position.

Presidential  
report to  
Congress.

Presidential  
determination.

SEC. 112. The Congress hereby reiterates its opposition to the seating in the United Nations of the Communist China regime as the representative of China, and it is hereby declared to be the continuing sense of the Congress that the Communist regime in China has not demonstrated its willingness to fulfill the obligations contained in the Charter of the United Nations and should not be recognized to represent China in the United Nations. In the event of the seating of representative of the Chinese Communist regime in the Security Council or General Assembly of the United Nations, the President is requested to inform the Congress insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter.

SEC. 113. It is the sense of Congress that any attempt by foreign nations to create distinctions because of their race or religion among American citizens in the granting of personal or commercial access or any other rights otherwise available to United States citizens generally is repugnant to our principles; and in all negotiations between the United States and any foreign state arising as a result of funds appropriated under this Act, these principles shall be applied as the President may determine.

73 STAT. 720.

73 STAT. 721.

## TITLE II—DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

### RYUKYU ISLANDS, ARMY

#### ADMINISTRATION

For expenses, not otherwise provided for, necessary to meet the responsibilities and obligations of the United States in connection with the government of the Ryukyu Islands, including, subject to such authorizations and limitations as may be prescribed by the Secretary of the Army, tuition, travel expenses, and fees incident to instruction in the United States or elsewhere of such persons as may be required to carry out the provisions of this appropriation; travel expenses and transportation; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), of individuals not to exceed ten in number; not to exceed \$3,000 for contingencies for the High Commissioner, to be expended in his discretion: translation rights, photographic work, educational exhibits, and dissemination of information, including preview and review expenses incident thereto; hire of passenger motor vehicles and aircraft; purchase of three passenger motor vehicles for replacement only; construction, repair, and maintenance of buildings, utilities, facilities, and appurtenances; and

60 Stat. 810.



such supplies, commodities, and equipment as may be essential to carry out the purposes of this appropriation; \$5,282,000, of which not to exceed \$1,633,000 shall be available for administrative and information expenses: *Provided*, That the general provisions of the Appropriation Act for the current fiscal year for the military functions of the Department of the Army shall apply to expenditures made from this appropriation: *Provided further*, That expenditures from this appropriation may be made outside continental United States when necessary to carry out its purposes, without regard to sections 355, 3648, and 3734, Revised Statutes, as amended, section 4774(d) of title 10, United States Code, civil service or classification laws, or provisions of law prohibiting payment of any person not a citizen of the United States: *Provided further*, That expenditures may be made hereunder for the purposes of economic rehabilitation in the Ryukyu Islands in such manner as to be consistent with the general objectives of titles II and III of the Mutual Security Act of 1954, and in the manner authorized by sections 505(a) and 522(e) thereof: *Provided further*, That funds appropriated hereunder may be used, insofar as practicable, and under such rules and regulations as may be prescribed by the Secretary of the Army to pay ocean transportation charges from United States ports, including Territorial ports, to ports in the Ryukyus for the movement of supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid or of relief packages consigned to individuals residing in such areas: *Provided further*, That under the rules and regulations to be prescribed, the Secretary of the Army shall fix and pay a uniform rate per pound for the ocean transportation of all relief packages of food or other general classification of commodities shipped to the Ryukyus regardless of methods of shipment and higher rates charged by particular agencies of transportation, but this proviso shall not apply to shipments made by individuals to individuals: *Provided further*, That the President may transfer to any other department or agency any function or functions provided for under this appropriation, and there shall be transferred to any such department or agency without reimbursement and without regard to the appropriation from which procured, such property as the Director of the Bureau of the Budget shall determine to relate primarily to any function or functions so transferred.

40 USC 255  
and note;  
31 USC 529;  
40 USC 259,  
267.  
70A Stat. 269.

22 USC 1870,  
1891, 1757,  
1782.

73 STAT. 721.  
73 STAT. 722.

#### CONSTRUCTION OF POWER SYSTEMS, RYUKYU ISLANDS

For loans by the Secretary of the Army to the Ryukyu Electric Power Corporation, an instrumentality of the United States Civil Administration of the Ryukyu Islands, for completion of construction, installation, and equipment of electric power systems in the Ryukyu Islands, \$18,000,000, to remain available until expended: *Provided*, That repayment of such loans shall be made to miscellaneous receipts of the Treasury over a period of twenty-five years to commence five years after the date any such loan is made, with interest at such rate as may be fixed by the Secretary of the Treasury, taking into consideration the current average market yields of outstanding marketable obligations of the United States having a comparable maturity.

#### TITLE III—EXPORT-IMPORT BANK OF WASHINGTON

The Export-Import Bank of Washington is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accord with law, and



'59 Stat. 598.  
31 USC 849.

to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the fiscal year 1960 for such corporation, except as hereinafter provided:

#### LIMITATION ON ADMINISTRATIVE EXPENSES, EXPORT-IMPORT BANK OF WASHINGTON

60 Stat. 810.

68 Stat. 454.  
7 USC 1691 note.

Not to exceed \$2,500,000 (to be computed on an accrual basis) of the funds of the Export-Import Bank of Washington shall be available during the current fiscal year for administrative expenses of the Bank, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$75 per diem for individuals, and not to exceed \$9,000 for entertainment allowances for members of the Board of Directors when specifically authorized by the Chairman of the Board; and, in addition, not to exceed the equivalent of \$200,000 of the aggregate amount of foreign currencies made available to the Export-Import Bank for loans pursuant to the Agricultural Trade Development and Assistance Act of 1954, as amended, shall be available during the current fiscal year for expenses incurred by the Export-Import Bank incident to such loans: *Provided*, That fees or dues to international organizations of credit institutions engaged in financing foreign trade and necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, shall be considered as nonadministrative expenses for the purposes hereof.

73 STAT. 722.  
73 STAT. 723.

### TITLE IV—ADDITIONAL SUPPLEMENTAL APPROPRIATIONS

#### EXECUTIVE OFFICE OF THE PRESIDENT

##### OFFICE OF CIVIL AND DEFENSE MOBILIZATION

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to be allocated for expenses necessary to discharge such civil defense and defense mobilization functions performed by other Federal agencies, as may be designated by the Office of Civil and Defense Mobilization, including payments by Department of Labor to State employment security agencies for the full cost of administration of defense manpower mobilization activities, \$3,250,000.

#### DEPARTMENT OF COMMERCE

##### GENERAL ADMINISTRATION

##### PARTICIPATION IN CENTURY 21 EXPOSITION

For expenses necessary to carry out the provisions of the Act of September 2, 1958 (72 Stat. 1703), as amended, including not to exceed \$5,000 for official entertainment expenses, \$9,000,000, to remain available until expended.



## BUREAU OF PUBLIC ROADS

## FEDERAL-AID HIGHWAYS (TRUST FUND)

For an additional amount for "Federal-aid highways (trust fund)", to remain available until expended, \$188,000,000, or so much thereof as may be available in and derived from the "Highway trust fund", which sum is part of the amount authorized to be appropriated for the fiscal year 1959.

## HIGHWAY TRUST FUND

For repayable advances to the "Highway trust fund" during the current fiscal year, as authorized by section 209(d) of the Highway Revenue Act of 1956 (70 Stat. 399), \$359,000,000.

23 USC 120 note.

## DISTRICT OF COLUMBIA

## (District of Columbia Funds)

## OPERATING EXPENSES

## METROPOLITAN POLICE

For an additional amount for "Metropolitan Police", \$406,000, of which \$60,000 shall be payable from the Highway fund and \$346,000, from the general fund.

73 STAT. 723.

73 STAT. 724.

DEPARTMENT OF HEALTH, EDUCATION, AND  
WELFARE

## PUBLIC HEALTH SERVICE

## GRANTS FOR WASTE TREATMENT WORKS CONSTRUCTION

The amount appropriated under this head in the "Supplemental Appropriation Act, 1960" shall remain available until five days after the approval of this Act. Ante, p. 441.

## CONSTRUCTION OF INDIAN HEALTH FACILITIES

For an additional amount for "Construction of Indian health facilities", including the purposes of Public Law 86-121, approved July 31, 1959, \$200,000. Ante, p. 267.

## INDEPENDENT OFFICES

## ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

For expenses necessary for the Advisory Commission on Intergovernmental Relations, \$50,000: *Provided*, That this appropriation shall be effective only upon the enactment into law of H.R. 6904. Ante, p. 703.

## COMMISSION ON CIVIL RIGHTS

## SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$500,000: *Provided*, That section 104(b) of the Civil Rights Act of 1957 is amended by striking out the words "two years" and inserting in lieu thereof "four years". 71 Stat. 635.  
42 USC 1975c.



# FEDERAL AVIATION AGENCY

## EXPENSES

Ante, p. 502.

For an additional amount for "Expenses", \$17,000,000, to be derived by transfer from the appropriation for "Establishment of air navigation facilities", fiscal year 1960; and the limitation under the head "Expenses" in the Independent Offices Appropriation Act, 1960, on the amount available for expenses of travel is increased from "\$13,500,000" to "\$14,125,000".

## ESTABLISHMENT OF AIR NAVIGATION FACILITIES

Ante, p. 503.

Not to exceed \$1,000,000 of the appropriation made available under this head in the Independent Offices Appropriation Act, 1960, shall be available for expenses of travel.

## HISTORICAL AND MEMORIAL COMMISSIONS

### FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

73 STAT. 724.  
73 STAT. 725.

For expenses necessary to carry out the provisions of the Act of August 11, 1955 (69 Stat. 694), as amended, \$150,000, to remain available until expended.

### HUDSON-CHAMPLAIN CELEBRATION COMMISSION

72 Stat. 544.

For an additional amount for salaries and expenses in connection with the work prescribed for the Hudson-Champlain Celebration Commission in the sum of \$25,000 to be disbursed in the same manner and for the same effect that funds have heretofore been disbursed.

## NATIONAL LABOR RELATIONS BOARD

### SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", including rental of office space in the District of Columbia, \$500,000.

## HOUSING AND HOME FINANCE AGENCY

### OFFICE OF THE ADMINISTRATOR

#### SALARIES AND EXPENSES

Ante, p. 687.

For an additional amount for "Salaries and expenses", \$290,000, of which \$220,000 shall be available only upon the enactment into law of legislation continuing beyond September 30, 1959, the program authorized by title VI of the Housing Act of 1954, as amended (68 Stat. 590, 637).



## URBAN PLANNING GRANTS

For an additional amount for "Urban planning grants", \$750,000: *Provided*, That this paragraph shall be effective only upon the enactment into law of legislation amending section 701 of the Housing Act of 1954, as amended, so as to authorize appropriation of the foregoing amount. Ante, p. 678.

## DEPARTMENT OF THE INTERIOR

## BUREAU OF INDIAN AFFAIRS

## DISTRIBUTION OF FUNDS OF THE CREEK INDIANS

For an additional amount for necessary expenses incident to the distribution of funds belonging to members of the Creek Nation of Indians, in accordance with the Act of August 1, 1955 (69 Stat. 431), as amended, \$100,000, to remain available until expended. 25 USC 781-785.

## DEPARTMENT OF LABOR

## LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACTIVITIES

## SALARIES AND EXPENSES

For expenses necessary for the performance of the functions vested in the Secretary by the Labor-Management Reporting and Disclosure Act of 1959, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and rental of office space in the District of Columbia, \$2,000,000. Ante, p. 519.  
60 Stat. 810.

## TREASURY DEPARTMENT

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73 STAT. 725.

73 STAT. 726.

## BUREAU OF THE MINT

## SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$300,000.

## U.S. COAST GUARD

## OPERATING EXPENSES

For an additional amount for "Operating expenses", \$800,000.

## TITLE V

## CLAIMS FOR DAMAGES AND JUDGMENTS

For payment of claims for damages as settled and determined by departments and agencies in accord with law and judgments rendered against the United States by United States district courts and the United States Court of Claims, as set forth in Senate Documents Numbered 48 and 56, Eighty-sixth Congress, \$708,137, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay



claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

, Short title.

This Act may be cited as the "Mutual Security Appropriation Act, 1960".

Approved September 28, 1959.













Calendar No. 1013

86TH CONGRESS  
1ST SESSION

# H. R. 8385

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

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## AMENDMENT

Intended to be proposed by Mr. COOPER to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, viz: On page 23, between lines 8 and 9, insert the following new title:

1 TITLE VI—INTERAGENCY COMMITTEE ON UN-  
2 DERDEVELOPED REGIONS IN THE UNITED  
3 STATES

4 SEC. 201. (a) There is hereby established in the execu-  
5 tive branch of the Government an interagency committee to  
6 be known as the Interagency Committee on Under-  
7 developed Regions in the United States (hereinafter re-  
8 ferred to as the "Committee").



1       (b) The Committee shall be composed of seven mem-  
2   bers as follows:

3       (1) Two members to be appointed from the De-  
4   partment of Commerce by the Secretary of Commerce;  
5   one of whom shall be from the Office of Area Develop-  
6   ment and shall serve as Chairman; and one of whom  
7   shall be from the Bureau of Public Roads;

8       (2) Two members to be appointed from the De-  
9   partment of Agriculture by the Secretary of Agricul-  
10   ture, one of whom is an expert in matters pertaining to  
11   agriculture and one in matters pertaining to forestry;

12       (3) One member from the Department of the In-  
13   terior to be appointed by the Secretary of the Interior;

14       (4) One member from the Corps of Engineers to  
15   be appointed by the Chief of Engineers; and

16       (5) One member from the Federal Aviation  
17   Agency to be appointed by the Administrator of that  
18   Agency.

19       (c) Any vacancy in the Committee shall not affect  
20   its powers but shall be filled in the same manner in which  
21   the original appointment was made.

22       (d) Four members of the Committee shall constitute  
23   a quorum for the transaction of business.

24       (e) Members of the Committee shall not receive  
25   additional compensation by reason of their service on the

1 Committee but shall be entitled to reimbursement of travel  
2 and other necessary expenses incurred by them in carry-  
3 ing out the duties of the Committee.

4 SEC. 202. (a) It shall be the duty of the Committee  
5 to undertake a cooperative investigation and study of the  
6 ways and means for developing the potentialities for eco-  
7 nomic growth of underdeveloped regions in the United  
8 States. As used in this title the term "underdeveloped  
9 region" refers to any region within the United States  
10 which the Committee determines to be economically  
11 underdeveloped and may include several counties or mu-  
12 nicipalities and the whole or parts of one or more of the  
13 several States. The Committee shall select, for the pur-  
14 poses of its initial investigation study and recommendation,  
15 such area or areas of the United States as it may determine  
16 to be representative of underdeveloped areas. Based  
17 upon its experiences in such investigation and study, the  
18 Committee shall establish criteria for the designation of  
19 "underdeveloped regions" including such factors as chronic  
20 unemployment, per capita income, the absence or inade-  
21 quacy of transportation, flood protection, and industrial and  
22 agricultural activity, as related to the appropriate national  
23 levels.

24 (b) The study and investigation authorized under the  
25 preceding subsection shall be undertaken by the Committee



1 with a view to formulating basic plans utilizing existing  
2 Federal, State and local programs and agencies for develop-  
3 ing the economic potential of underdeveloped regions. Such  
4 plan or plans shall contain both immediate and long-range  
5 recommendations for the development of such regions and  
6 particularly in the areas of—

7           (1) basic communication systems, including roads  
8           and airports;

9           (2) improvement of agricultural resources by tech-  
10          nology suitable for the particular area, including soil  
11          conservation and utilization;

12          (3) forest conservation and utilization;

13          (4) the reclamation and irrigation of land, includ-  
14          ing drainage;

15          (5) flood control and prevention, and the provision  
16          of domestic and municipal water supplies;

17          (6) industrial development;

18          (7) other beneficial and useful purposes not herein  
19          enumerated.

20          Such plans may include recommendations for action by  
21          the Federal Government; the States, either singly or by  
22          interstate compact, and by local governmental units and may  
23          also contain recommendations for action by private groups.

24          (c) The Committee shall submit its recommendations in  
25          a report to the President and the Congress by July 1, 1960.

1 A preliminary report shall be submitted by March 1, 1960.

2 Such reports shall be printed as House or Senate documents.

3 SEC. 203. (a) The Committee may, in carrying out its  
4 duties, hold such hearings, take such testimony, sit and act  
5 at such places and times, and incur such expenditures within  
6 the limit of available appropriations as the Committee deems  
7 necessary. Any member of the Committee may administer  
8 oaths or affirmations to witnesses appearing before the Com-  
9 mittee. The Committee may, without regard to the civil  
10 service laws and the Classification Act of 1949, employ and  
11 fix the compensation of such experts, consultants, and other  
12 employees, as it deems necessary to assist it in carrying out  
13 its duties under this title.

14 (b) The Committee is authorized to utilize the facilities,  
15 information, and personnel of the departments, agencies, and  
16 establishments of the executive branch of the Government  
17 which it deems necessary to carry out its duties under this  
18 title. Each such department, agency, and instrumentality is  
19 authorized to furnish such facilities, information, and per-  
20 sonnel to the Committee upon request made by the Chair-  
21 man. The Committee shall reimburse each such depart-  
22 ment, agency, and instrumentality for the services of any  
23 personnel utilized.

24 SEC. 204. The Committee shall cease to exist within  
25 ninety days after the date of its submission to the President



1 and the Congress of its final report as provided in section  
2 202 (c). All property, assets, and records of the Committee  
3 shall thereupon be turned over to such agency or agencies  
4 in the executive branch as the President shall designate.

5 SEC. 205. Effective as of the date on which the Com-  
6 mittee is duly constituted, there is hereby appropriated to  
7 the Committee the sum of \$100,000 to carry out its func-  
8 tions under this title.





86<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 8385**

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## **AMENDMENT**

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Intended to be proposed by Mr. Cooper to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

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SEPTEMBER 12 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

Calendar No. 1013

86<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 8385

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

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## AMENDMENT

Intended to be proposed by Mr. KEFAUVER to the bill (H.R. 8385) an Act making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, viz:

- 1 On page 21, line 5, strike out "1,000,000" and insert
- 2 in lieu thereof "\$3,100,000".

9-12-59—C



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## **AMENDMENT**

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Intended to be proposed by Mr. KEFAUVER to the bill (H.R. 8385) an Act making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

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SEPTEMBER 12 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

Calendar No. 1013

86TH CONGRESS  
1ST SESSION

# H. R. 8385

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

---

## AMENDMENT

Intended to be proposed by Mr. MORSE to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, viz:

- 1 At the appropriate place in the bill insert the following:
- 2 *“Provided further, That the Commission, in addition to its*
- 3 *other functions, may collect and make available to States*
- 4 *and local communities information concerning programs and*
- 5 *procedures used by school districts to comply with the*
- 6 *Supreme Court mandate either voluntarily or by court order,*
- 7 *including data as to the known effects of the programs on the*
- 8 *quality of education and the cost thereof: And provided fur-*
- 9 *ther, That the Commission is further authorized to establish*



1 an advisory and conciliation service to assist local school  
 2 officials in developing plans designed to meet constitutional  
 3 requirements in the light of local conditions, and, upon re-  
 4 quest, to mediate and conciliate disputes which may arise  
 5 with respect to proposed plans and their implementation."

Calendar No. 1013

86TH CONGRESS  
1ST SESSION

**H. R. 8385**

## **AMENDMENT**

Intended to be proposed by Mr. Morse to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

SEPTEMBER 12 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

Calendar No. 1013

86TH CONGRESS  
1ST SESSION

# H. R. 8385

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

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## AMENDMENT

Intended to be proposed by Mr. MORSE to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, viz: At the appropriate place in the bill insert the following:

1 Nor shall any person or group of persons, under color  
2 of State law, arbitrarily and without legal justification or  
3 cause, act, or being under duty to act, fail to act, in such  
4 manner as to deprive or threaten to deprive any individual  
5 or group of individuals of the opportunity to register, vote,  
6 and have that vote counted for any candidate for the office  
7 of President, Vice President, presidential elector, Member  
8 of the Senate, or Member of the House of Representatives,  
9 Delegate or Commissioner for the territories or possessions,  
10 at any general, special, or primary election held solely or



1 in part for the purpose of selecting or electing any such  
2 candidate.

Calendar No. 1013

83<sup>RD</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 8385**

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## **AMENDMENT**

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Intended to be proposed by Mr. Morse to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

SEPTEMBER 12 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

# H. R. 8385

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IN THE SENATE OF THE UNITED STATES

JULY 30, 1959

Referred to the Committee on Appropriations and ordered to be printed

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## AMENDMENT

Intended to be proposed by Mr. HUMPHREY to the bill (H.R. 8385) making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, viz: On page 2, between lines 23 and 24, insert the following:

- 1 Special assistance, special authorization: For assistance
- 2 authorized by section 400 (c) in the planning for construc-
- 3 tion of the American Research Hospital for Children in
- 4 Poland at the University of Krakow, the equivalent of
- 5 \$50,000 in local currencies.



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## AMENDMENT

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Intended to be proposed by Mr. HUMPHREY to the bill (H.R. 8385) making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

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JULY 30, 1959

Referred to the Committee on Appropriations and  
ordered to be printed

Calendar No. 1013

86TH CONGRESS  
1ST SESSION

# H. R. 8385

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

---

## AMENDMENT

Intended to be proposed by Mr. ROBERTSON (for himself, Mr. ELLENDER, and Mr. HUMPHREY) to the committee amendment to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, viz: On page 10, between lines 17 and 18, insert the following:

- 1 (d) None of the funds herein appropriated shall be
- 2 used to carry out any provision of chapter II, III, or IV
- 3 of the Mutual Security Act of 1954, as amended, in any
- 4 country, or with respect to any project or activity, after
- 5 the expiration of the twenty-day period which begins on
- 6 the date the General Accounting Office or any committee
- 7 of the Congress, or any duly authorized subcommittee there-
- 8 of, charged with considering legislation or appropriations



1 for, or expenditures of, the International Cooperation Ad-  
2 ministration, has delivered to the office of the Director of  
3 the International Cooperation Administration a written re-  
4 quest that it be furnished any document, paper, communi-  
5 cation, audit, review, finding, recommendation, report, or  
6 other material relating to the administration of such pro-  
7 vision by the International Cooperation Administration in  
8 such country or with respect to such project or activity,  
9 unless and until there has been furnished to the General  
10 Accounting Office, or to such committee or subcommittee,  
11 as the case may be, (1) the document, paper, communica-  
12 tion, audit, review, finding, recommendation, report, or  
13 other material so requested, or (2) a certification by the  
14 President that he considers the disclosure of such document,  
15 paper, communication, audit, review, finding, recommenda-  
16 tion, report, or other material to be contrary to the public  
17 interest and has forbidden its being furnished pursuant to  
18 such request.





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**AMENDMENT**

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Intended to be proposed by Mr. ROBERTSON  
(for himself, Mr. ELLENDER, and Mr. HUM-  
PHREY) to the committee amendment to the  
bill (H.R. 8385) making appropriations for  
mutual security and related agencies for  
the fiscal year ending June 30, 1960, and for  
other purposes.

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SEPTEMBER 10 (legislative day, SEPTEMBER 5), 1959  
Ordered to lie on the table and to be printed

Calendar No. 1013

86<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 8385

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

---

## AMENDMENT

Intended to be proposed by Mr. HUMPHREY (for himself, Mr. HART, Mr. CLARK, Mr. MURRAY, Mr. MANSFIELD, Mr. MOSS, Mr. CHURCH, Mr. NEUBERGER, Mr. DOUGLAS, Mr. ENGLE, Mr. CASE of South Dakota, Mr. BUSH, and Mr. MUSKIE) to the bill (H. R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, viz: On page 5, between lines 10 and 11, insert the following:

- 1 Special foreign policy studies: For expenses of the De-
- 2 partment of State in procuring, by contract or otherwise,
- 3 of special foreign policy studies relating to disarmament,
- 4 weapons control, and possible technical means for enforcing
- 5 arms control under a reduction of armaments agreement,
- 6 \$400,000.

# H. R. 8385

## AMENDMENT

Intended to be proposed by Mr. HUMPHREY (for himself, Mr. HART, Mr. CLARK, Mr. MURRAY, Mr. MANSFIELD, Mr. MOSS, Mr. CHURCH, Mr. NEUBERGER, Mr. DOUGLAS, Mr. ENGLE, Mr. CASE of South Dakota, Mr. BUSH, and Mr. MUSKIE) to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

SEPTEMBER 10 (legislative day, SEPTEMBER 5), 1959  
Ordered to lie on the table and to be printed



Calendar No. 1013

86TH CONGRESS  
1ST SESSION

# H. R. 8385

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

---

## AMENDMENT

Intended to be proposed by Mr. HUMPHREY to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, viz:

- 1        On page 8, beginning with line 9, strike out all through
- 2 line 11, and redesignate the succeeding sections of title I
- 3 accordingly.

86TH CONGRESS  
1ST SESSION

**H. R. 8385**

---

**AMENDMENT**

---

Intended to be proposed by Mr. HUMPHREY to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

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SEPTEMBER 10 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

Calendar No. 1013

86TH CONGRESS  
1ST SESSION

# H. R. 8385

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

---

## AMENDMENT

Intended to be proposed by Mr. HAYDEN to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, viz: On page 20, after line 11, insert the following:

1                   COMMISSION ON CIVIL RIGHTS

2                   SALARIES AND EXPENSES

3       For an additional amount for "Salaries and expenses",

4   \$500,000: *Provided*, That section 104 (b) of the Civil

5   Rights Act of 1957 is amended by striking out the words

6   "two years" and inserting in lieu thereof "four years".



86TH CONGRESS  
1ST SESSION

H. R. 8385

AMENDMENT

Intended to be proposed by Mr. HAYDEN to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

SEPTEMBER 10 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

Calendar No. 1013

86TH CONGRESS  
1ST SESSION

# H. R. 8385

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

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## AMENDMENT

Intended to be proposed by Mr. GORE to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, viz:

- 1 On page 18, lines 6 and 7, strike out "\$188,000,000"
- 2 and insert in lieu thereof "\$295,000,000".

86TH CONGRESS  
1ST SESSION

**H. R. 8385**

**AMENDMENT**

Intended to be proposed by Mr. Gore to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

SEPTEMBER 10 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed



Calendar No. 1013

86TH CONGRESS  
1ST SESSION

# H. R. 8385

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10 (legislative day, SEPTEMBER 5), 1959

Ordered to lie on the table and to be printed

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## AMENDMENT

Intended to be proposed by Mr. JAVITS (for himself and Mr. KEATING) to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, viz: On page 20 after line 11, insert a new paragraph as follows:

- 1 HUDSON-CHAMPLAIN CELEBRATION COMMISSION
- 2 For an additional amount for salaries and expenses in
- 3 connection with the work prescribed for the Hudson-Cham-
- 4 plain Celebration Commission in the sum of \$35,000 to be
- 5 disbursed in the same manner and for the same effect that
- 6 funds have heretofore been disbursed.

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# AMENDMENT

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IN THE SENATE OF THE UNITED STATES

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## AMENDMENT

Intended to be proposed by Mr. GORE to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, viz:

- 1       On page 18, line 15, beginning with "That" strike out
- 2   all through line 17 and insert in lieu thereof the following:
- 3   "That any amounts in such fund in excess of amounts needed
- 4   for payments from such fund to the States due and payable
- 5   on or before June 30, 1960, shall be repaid to this appro-
- 6   priation, and any amount of this appropriation not repaid
- 7   on or before June 30, 1960, shall be repaid in accordance
- 8   with the provisions of section 209 (f) (2) of the Highway
- 9   Revenue Act of 1956."



86TH CONGRESS  
1st Session

**H. R. 8385**

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**AMENDMENT**

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Calendar No. 1013

86<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 8385

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11 (legislative day, SEPTEMBER 5), 1959

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## AMENDMENT

Intended to be proposed by Mr. JAVITS to the bill (H.R. 8385)  
an Act making appropriations for mutual security and related  
agencies for the fiscal year ending June 30, 1960, and for  
other purposes, viz:

- 1 On page 2, strike out line 19, and substitute therefor
- 2 the following: "to remain available until expended, and to
- 3 become available as follows: During the fiscal year
- 4 1960 \$590,000,000, and during the fiscal year 1961
- 5 \$500,000,000."

86TH CONGRESS  
1ST SESSION

**H. R. 8385**

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**AMENDMENT**

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86<sup>TH</sup> CONGRESS  
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AMENDMENT

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